

Eau Claire County
PLANNING & DEVELOPMENT COMMITTEE AGENDA

Tuesday, August 9, 2016 • 7:00 PM

Eau Claire County Courthouse • 721 Oxford Avenue • **Room 1301/1302**
Eau Claire, Wisconsin

1. Call to Order
2. Public Input Session (**30 minute maximum**)
Comments are restricted to matters within the Committee's jurisdiction, and items not pertaining to already scheduled public hearings. Comments will be limited to three minutes per individual.
3. A variance request for depth to width ratio exceeding 4:1 in Section 24, T27N-R09W, Town of Ludington (Smith) / Discussion – Action **p. 2 - 6**
4. A request to amend the Interstate Development Plat to remove the 83 foot building setback line on lots 5 – 8, Section 29, T27-R08W, Town of Washington, Eau Claire County, Wisconsin / Discussion – Action **p. 7 - 9**
5. 2017 Register of Deeds Budget / Discussion – Action **p. 10 - 14**
6. 2017 Planning & Development Budget Items / Discussion – Action **p. 15 - 32**
7. Draft Shoreland Overlay Protection Ordinance / Discussion **p. 33 - 71**
8. Review of July Bills / Discussion **p. 72**
9. Review/Approval of July 12, 2016 Meeting Minutes / Discussion – Action **p. 73 - 74**
10. Proposed Future Agenda Items / Discussion
11. Adjourn



Eau Claire County
DEPARTMENT OF PLANNING
AND DEVELOPMENT
Eau Claire County Courthouse, Rm. 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5481
(715) 839-4741

Housing & Community Development
839-6240
Emergency Services Management
839-4736
Real Property Description
839-2984
Land Use Controls
839-4743
Building Inspection
839-2944
Land Conservation
839-6226
Planning
839-5055
County Surveyor
839-4742

REPORT:

TO: COMMITTEE ON PLANNING AND DEVELOPMENT

FROM: Jared Grande, Land Use Technician

DATE: July 29, 2016

RE: Paul and Kathy Smith CSM – Section 24, T27N-R9W, Town of Ludington

Jeff Stockburger, Professional Land Surveyor, has submitted a concept certified survey map (CSM) to the department for review for a four lot CSM in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 24, T27N-R9W, Town of Ludington.

The map is being presented to the committee because of proposed lots 2, 3, and 4 exceeding the depth to width (depth/width) ratio of 4:1 for lots greater than 5 acres. Proposed lot 2 has a depth/width ratio of 4.66 and lots 3 and 4 have a depth/width ratio of 4.67. The purpose of the division is to keep the north/south line of the unplatted lands (adjacent property) consistent through the newly created parcels.

Section 18.82.060 A of the subdivision code requires that the size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

Section 18.82.060 K. Flag lots. Flag lots shall be prohibited except where necessary to address topographic challenges, respond to existing development patterns, to preserve agricultural land or to minimize land use conflicts.

Section 18.82.060.F. Depth. Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided. For lots less than 5 acres, the ratio of depth to width shall not exceed 3:1. For lots greater than 5 acres, the ratio of depth to width shall not exceed 4:1 inclusive of the road right of way.

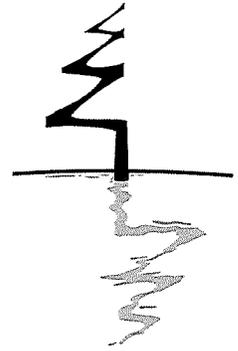
Under 18.77.070 of the subdivision control code, the committee can grant variances to Chapters 18.82, 18.83, and 18.84 of the code. The committee must find that there is exceptional or undue hardship in the request; it is not detrimental to the public good, and without impairment to the intent and purpose of the code. The committee must consider all the facts and testimony when deliberating this matter.

STAFF RECOMMENDATION: Staff has reviewed this request and recommends that the committee approve exceeding the depth to width ratio. The following reasons may be used to support approving the request:

- The variance will not be detrimental to the public good, the spirit and purpose of the code will be upheld.
- Proposed lot 2, 3, and 4 are required to be at least 5 acres in size per Town of Ludington's subdivision ordinance; therefore exceeding the depth/width ratio.
- The purpose of the Subdivision Control Code will be upheld.

Kramer Land Design Studio

Civil Engineering • Land Surveying



July 27, 2016

Mr. Jared Grande
Land Use Technician – Eau Claire County
Department of Planning and Development
721 Oxford Avenue, Suite 3344
Eau Claire, Wisconsin 54703

RE: Paul Smith Variance Request

Dear Mr. Grande:

Please accept this concept map showing a proposed land division within the Town of Ludington, Eau Claire County. The owner, Paul Smith, desires to divide the land as shown on the map. The land is being divided as part of a divorce settlement. The intent is to keep the north-south line of the unplatted lands (adjacent property) consistent through the newly created parcels.

The proposed land division requires a variance due to the unique 'length to width' ratios of the proposed parcels. Please place this item on the agenda for the August 29, 2016 meeting. Thank you.

Sincerely,

Scott C. Kramer, PE

CERTIFIED SURVEY MAP NO. _____
VOLUME _____ **PAGE** _____

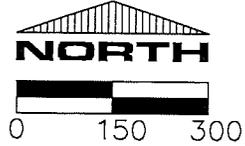
Part of the SW 1/4 of the SW 1/4 and part of the SE 1/4 of the SW 1/4, Section 24, Township 27 North, Range 9 West, Town of Ludington, Eau Claire County, Wisconsin.

LEGEND

- FOUND ALUM. E.C. CO. MON.
- FOUND 1" O.D. IRON PIPE
- SET 3/4" BY 18" IRON REBAR, 1.50 LBS. / LINEAR FOOT
- ⊙ WELL
- ⊙ SEPTIC TANK



BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 24, WHICH IS ASSUMED TO BEAR N89°38'12"W.



COURSE TABLE

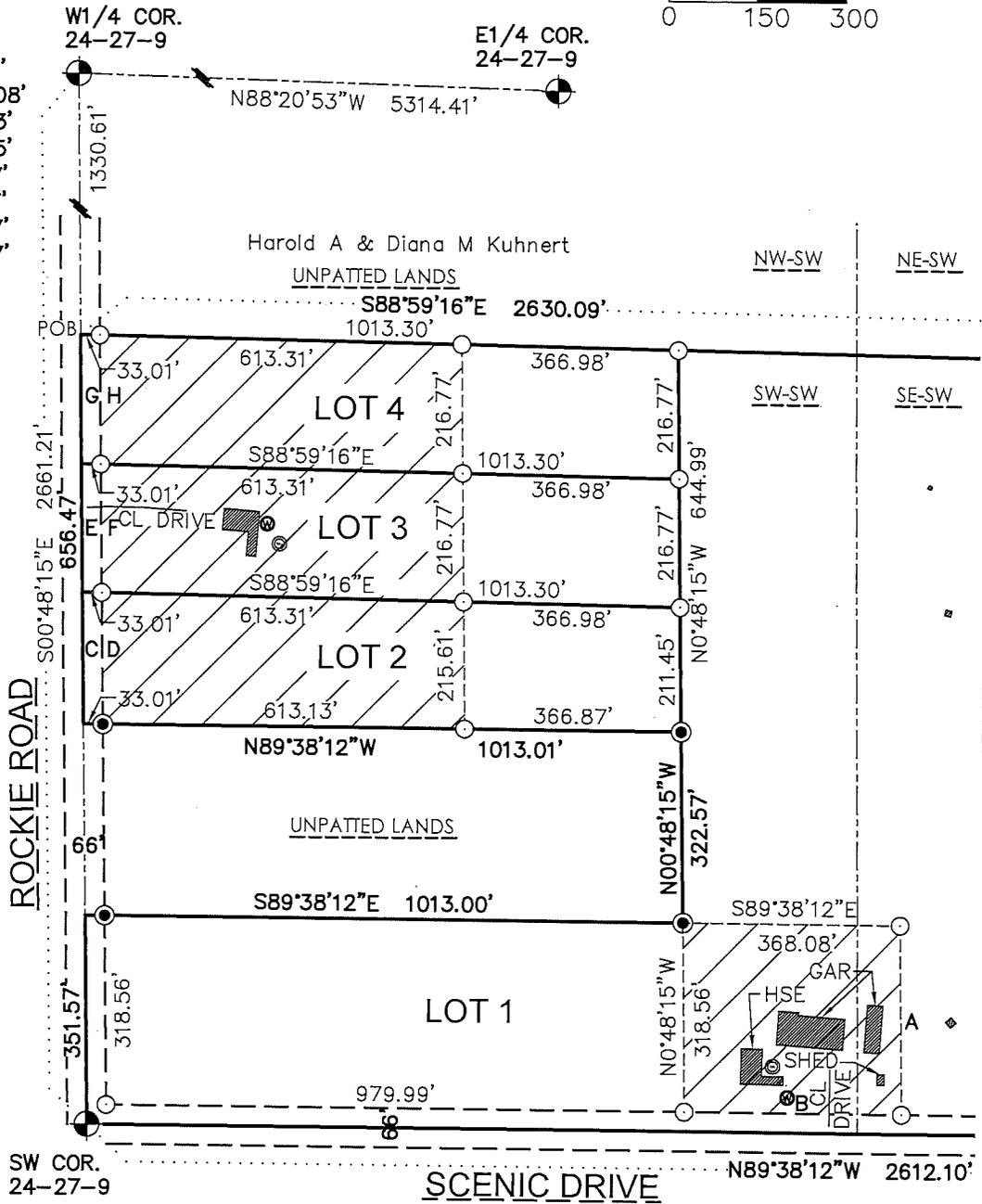
- A S0°48'15"E, 318.56'
- B N89°38'12"W, 368.08'
- C N0°48'15"W, 222.93'
- D N0°48'15"W, 222.55'
- E N0°48'15"W, 216.77'
- F N0°48'15"W, 216.77'
- G N0°48'15"W, 216.77'
- H N0°48'15"W, 216.77'

LOT 1 AREA
 INCLUDING R/W
 2,461,763 SQ. FT.
 56.52 ACRES
 EXCLUDING R/W
 2,326,174 SQ. FT.
 53.40 ACRES
 BUILDABLE AREA
 117,231 SQ. FT.
 2.69 ACRES

LOT 2 AREA
 INCLUDING R/W
 219,966 SQ. FT.
 5.05 ACRES
 EXCLUDING R/W
 212,616 SQ. FT.
 4.88 ACRES
 BUILDABLE AREA
 134,296 SQ. FT.
 3.08 ACRES

LOT 3 AREA
 INCLUDING R/W
 219,542 SQ. FT.
 5.04 ACRES
 EXCLUDING R/W
 212,389 SQ. FT.
 4.88 ACRES
 BUILDABLE AREA
 132,880 SQ. FT.
 3.05 ACRES

LOT 4 AREA
 INCLUDING R/W
 219,542 SQ. FT.
 5.04 ACRES
 EXCLUDING R/W
 212,389 SQ. FT.
 4.88 ACRES
 BUILDABLE AREA
 132,880 SQ. FT.
 3.05 ACRES



SEE SHEET 2

Owner: Paul & Kathy Smith
 E 17210 Scenic Dr.
 Fall Creek, WI 54742

KRAMER LAND DESIGN STUDIO

1818 BRACKETT AVENUE • EAU CLAIRE, WI 54701
 PH: (715) 831-0654 • FX: (715) 831-6270
 EMAIL: INFO@KLD.S.NET

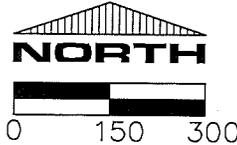
CERTIFIED SURVEY MAP NO. _____
VOLUME _____ **PAGE** _____

Part of the SW 1/4 of the SW 1/4 and part of the SE 1/4 of the SW 1/4, Section 24, Township 27 North, Range 9 West, Town of Ludington, Eau Claire County, Wisconsin.

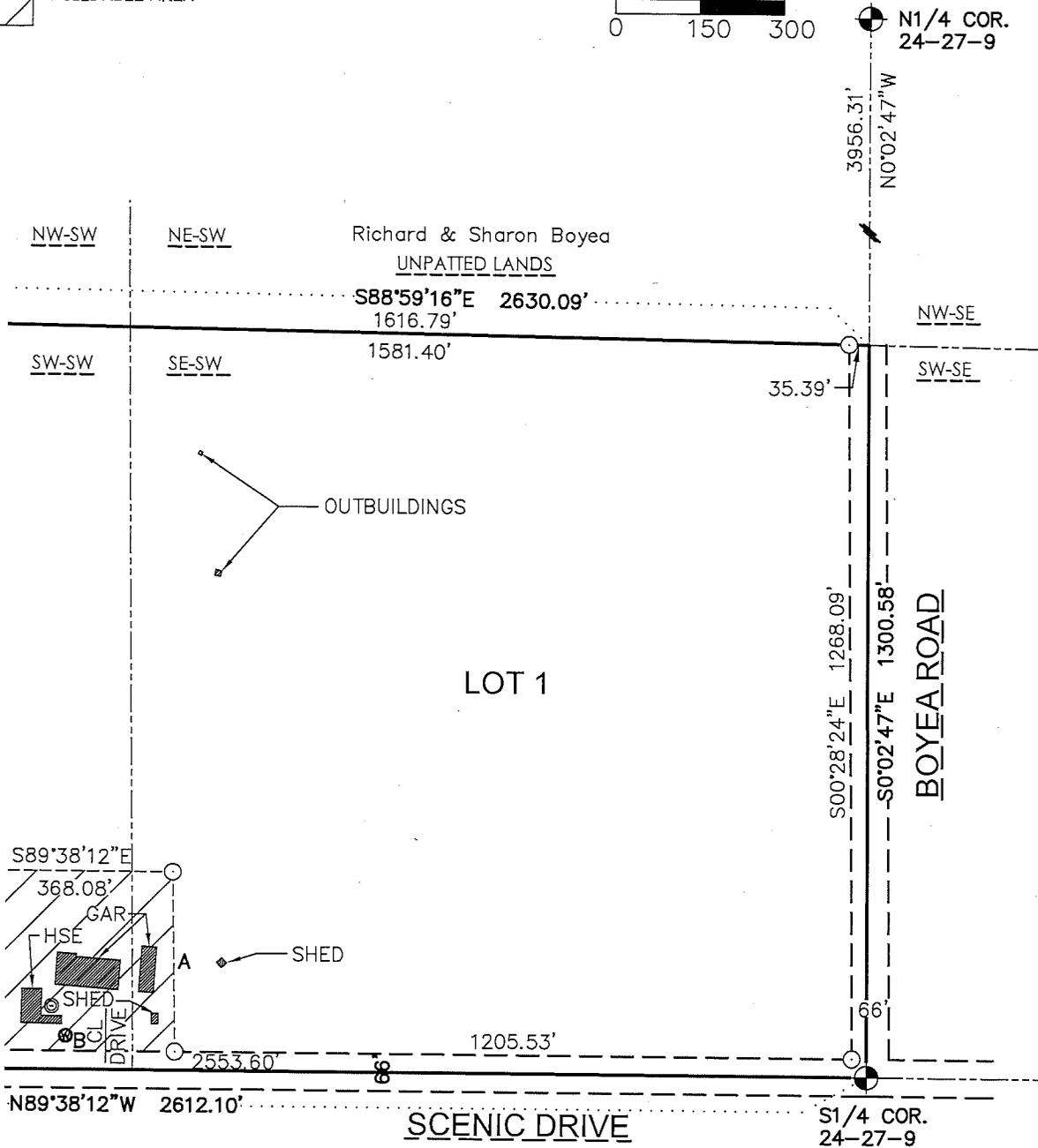
LEGEND

-  FOUND ALUM. E.C. CO. MON.
-  FOUND 1" O.D. IRON PIPE
-  SET 3/4" BY 18" IRON REBAR, 1.50 LBS. / LINEAR FOOT
-  BUILDABLE AREA
-  WELL
-  SEPTIC TANK

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 24, WHICH IS ASSUMED TO BEAR N89°38'12"W.



SEE SHEET 1



KRAMER LAND DESIGN STUDIO
 1818 BRACKETT AVENUE • EAU CLAIRE, WI 54701
 PH: (715) 831-0654 • FX: (715) 831-6270
 EMAIL: INFO@KLD.S.NET



CERTIFIED SURVEY MAP NO. _____
VOLUME _____ **PAGE** _____

Part of the SW 1/4 of the SW 1/4 and part of the SE 1/4 of the SW 1/4 , Section 24, Township 27 North, Range 9 West, Town of Ludington, Eau Claire County, Wisconsin.

SURVEYOR'S CERTIFICATE:

I, Jeffrey C. Stockburger, Professional Land Surveyor in the State of Wisconsin, do hereby certify that by the order of Paul & Kathy Smith, I have surveyed part of the Southwest Quarter of the Southwest Quarter and part of the Southeast Quarter of the Southwest Quarter, Section 24, Township 27 North, Range 9 West, Town of Ludington, Eau Claire County, Wisconsin. The parcel is more particularly described as follows:

Commencing at the East Quarter corner of said Section 24; Thence N88°20'53"W, on the East-West Quarter line 5314.41 feet; Thence S00°48'15"E, on the West line of the Southwest Quarter 1330.61 feet to the point of beginning; Thence S88°59'16"E, 2630.09 feet; Thence S00°02'47"E, 1300.58 feet to the South Quarter corner of said Section 24; Thence N89°38'12"W, on the South line of the Southwest Quarter 2612.10 feet to the Southwest corner of said Section 24; Thence N00°48'15"W, on the West line of the Southwest Quarter 351.57 feet; Thence S89°38'12"E, 1013.00 feet; Thence N00°48'15"W, 322.57 feet; Thence N89°38'12"W, 1013.01 feet; Thence N00°48'15"W, on the Southwest Quarter 656.47 feet to the point of beginning.

Said parcel contains 3,120,814 square feet or 71.64 total acres including right-of-way, 2,963,568 square feet or 68.03 acres excluding right-of-way, more or less.

I also certify that I have complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, the Eau Claire County Subdivision Ordinance, and the Town of Ludington Subdivision Ordinance. I further certify to the best of my knowledge and belief that the accompanying map is a true and correct representation of the exterior boundaries of the land surveyed and the division thereof made.

Dated this _____ day of _____, 2016.

Jeffrey C. Stockburger, Wisconsin Professional Land Surveyor, S-2708
Project Number:

COUNTY PLANNING AND DEVELOPMENT

I, Lance J. Gurney, Director of the Eau Claire County Planning and Development Department, hereby certify that this Certified Survey Map is approved of as complying with Subtitle III, the Subdivision Control Code, of Title 18 of General Ordinances.

Dated this _____ day of _____, 2016.

Lance J. Gurney, Director

TOWN OF LUDINGTON CERTIFICATE:

STATE OF WISCONSIN, EAU CLAIRE COUNTY

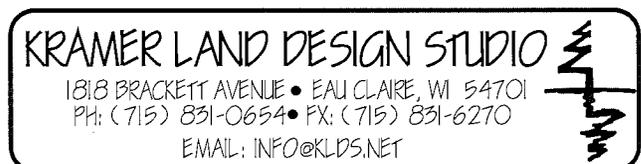
I certify that this Certified Survey Map, Paul & Kathy Smith, owners, was approved by the Town Board of Town of Ludington.

Dated this _____ day of _____, 2016.

Town Chairperson

Town Clerk

SHEET 3 OF 3 SHEETS





Eau Claire County
DEPARTMENT OF PLANNING
AND DEVELOPMENT
Eau Claire County Courthouse, Rm. 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5481
(715) 839-4741

Housing & Community Development
839-6240
Emergency Services Management
839-4736
Real Property Description
839-2984
Land Use Controls
839-4743
Building Inspection
839-2944
Land Conservation
839-6226
Planning
839-5055
County Surveyor
839-4742

REPORT:

TO: COMMITTEE ON PLANNING AND DEVELOPMENT

FROM: Jared Grande, Land Use Technician

DATE: August 1, 2016

RE: Request to amend the 83 foot building setback line for lots 5, 6, 7, 8 on Interstate Development

Pete Gartmann, Professional Land Surveyor No. 2279, has requested approval to amend the “83 foot building setback line for the south line as show on said Lots 5, 6, 7, and 8” as platted on Interstate Development. The Interstate Development plat is located in Section 29, T27N-R8W, Town of Washington. The affidavit requires approval of the following authorities: City of Altoona, Town of Washington, and Eau Claire County.

The owners of lots 5-8 in the Interstate Development are requesting to remove the 83-foot building setback line from the plat and to follow the rear yard setbacks as outlined in the Eau Claire County for the C3, Highway Business District. Particularly, the owner of lot 8, who owns and operates a mini-warehouse facility, has proposed an expansion of the facility but the 83-foot building setback restriction has limited the owner’s development options.

The City of Altoona and the Town of Washington will need to approve the change as outlined in the affidavit. The affidavit needs to be recorded in the Register of Deeds office before the change is effective.

STAFF RECOMMENDATION: Staff has reviewed this request and recommends that the committee approve the adjustments for the setback change for lots 5, 6, 7, and 8 of Interstate Development Plat subject to the following conditions:

1. After all certificates have been executed, the final correction affidavit shall be recorded in the Register of Deeds office.
2. A copy of the recorded correction affidavit shall be provided to the department for filing in the property file.

AFFIDAVIT

STATE OF WISCONSIN
COUNTY OF EAU CLAIRE ^{SS}

I, PETER J. GARTMANN, Professional Land Surveyor No. 2279, hereby depose and say:

That I am a land surveyor registered in the State of Wisconsin:

That "Interstate Development" is a recorded plat located in Section 29, Township 27 North, Range 8 West, Town of Washington, Eau Claire County, Wisconsin.

That "Lots 5, 6, 7 and 8" are a part of said recorded plat of "Interstate Development"

That there is a line indicating the **83 foot Building Setback Line** for the south line as shown on said "Lots 5, 6, 7 and 8", Interstate Development"

That the purpose of this document is to establish a change in the **83 foot Building Setback Line** to follow the Eau Claire County Code, Title 18.14, C-3 District for said "Lots 5, 6, 7 and 8".

That said "Lots 5, 6, 7 and 8", Interstate Development" rear yard setback shall be per 18.14, C3 District

That the Town of Washington, City of Altoona and Eau Claire County have approved the changes in the Building Setback Line for Lots 5, 6, 7 and 8, Interstate Development, as shown by the signatures and dates shown on "Attachment A"

That I make this Affidavit for the purpose of defining the changes to the "Building Setback Line", on said Lots 5, 6, 7 and 8, Interstate Development, and for no other purpose.

PETER J. GARTMANN, P.L.S. 2279

Subscribed and sworn to before me
this _____TH day of _____, 2016

Notary Public, State of Wisconsin
My commission expires _____.

This instrument drafted by:
PETER J. GARTMANN

ATTACHMENT "A"

CERTIFICATE OF COUNTY RESOURCE PLANNING AND ZONING:

I, LANCE J. GURNEY, DIRECTOR OF THE EAU CLAIRE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT, HEREBY CERTIFY THAT THE CHANGE AS DESCRIBED IN THE AFFIDAVIT IS APPROVED OF AS COMPLYING WITH SUBTITLE III, SUBDIVISION CONTROL CODE OF TITLE 18 OF THE EAU CLAIRE COUNTY CODE.

_____ DATED THIS _____ DAY OF _____, 2016
LANCE J. GURNEY

TOWN BOARD RESOLUTION:

RESOLVED THAT THE CHANGE AS STATED ON THIS AFFIDAVIT IS HEREBY APPROVED BY THE TOWN BOARD OF THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN.

APPROVED: _____ (DATE) SIGNED: _____

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN.

JANELLE L. HENNING
TOWN ADMINISTRATOR

CERTIFICATE OF THE CITY ZONING ADMINISTRATOR

I, Joshua Clements, CITY OF ALTOONA, HEREBY CERTIFY THAT THIS AFFIDAVIT IS APPROVED PURSUANT TO ALTOONA MUNICIPAL CODE 18.03.080 (4)



JOSHUA CLEMENTS
ZONING ADMINISTRATOR

DATED THIS 2 DAY OF August, 2016

Register of Deeds

Department Mission

The Register of Deed's office is the official county repository for land records, personal property, military discharges and vital records. We provide convenient access where documents are recorded, retrieved and certified. Statutory changes are implemented, land modernization, staff development with program and procedures are in place creating integrity, efficient and quality service to our citizens and customers.

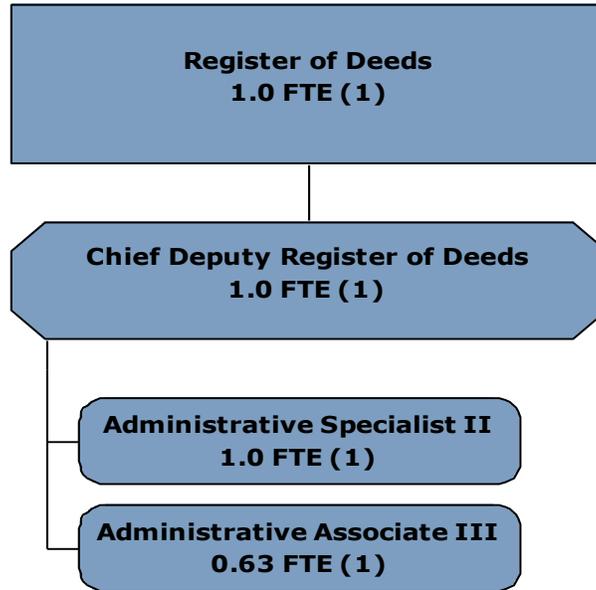
Overview of Expenditures and Revenues

	2015 Actual	2016 Budget	2016 Estimate	2017 Request	2017 Recommended	% Change
Expenditures:						
Personnel	\$ 206,427	\$ 226,179	\$ 226,179	\$ 224,973		
Services & Supplies	63,110	70,490	69,490	73,900		
Equipment						
Total Expenditures	\$ 269,537	\$ 296,669	\$ 295,669	\$ 298,873	\$ -	0.74%
Revenues:						
Federal/State Grants						
Charges & Fees	\$ 762,794	\$ 709,000	\$ 745,000	\$ 771,800		
Miscellaneous						
Fund Balance Applied						
Property Tax Levy						
Total Revenues	\$ 762,794	\$ 709,000	\$ 745,000	\$ 771,800	\$ -	

Summary of Budget Changes and Highlights

- Service in vital records will change in 2017 due to Statewide issuance of vital records allowing register of deeds offices the ability to issue records of birth, death, marriage and divorce from all other counties in our state. The record must be located on the central state vital records database in order for our office to release a certificate. Fiscal impact unknown at this time.
- Property Fraud Alert System implemented fourth quarter of this year.
- New technology for real estate recording is scheduled for 2017. This software upgrade improves data integrity, efficiency and cost savings.

Organizational Chart



Year	2011	2012	2013	2014	2015	2016	2017	% Change
FTE	4.5	4	4	4	3.63	3.63	3.63	0%

Program Financials

2017 Requested Program/Service	Program 1 Real Estate	Program 2 Vital Records		Totals
Expenditures:				
Personnel	\$ 134,984	\$ 89,989		\$ 224,973
Service & Supplies	44,340	29,560		\$ 73,900
Equipment	-	-		-
Total Expenditures	\$179,324	\$119,549		\$ 298,873
Revenues:				
Charges & Fees	463,080	308,720		\$ 771,800
Property Tax Levy				
Total Revenues	\$463,080	\$308,720		\$ 771,800
Mandated Service?	State Stat. 59.43	State Stat. 69		

2017 Approved Program/Service	Program 1 Real Estate	Program 2 Vital Records		Totals
Expenditures:				
Personnel				\$ -
Service & Supplies				\$ -
Equipment	-	-		-
Total Expenditures	\$0			\$ -
Revenues:				
Charges & Fees				\$ -
Property Tax Levy				\$ -
Total Revenues	\$0	\$0		\$ -
Mandated Service?	Yes	Yes		

#1 Real Estate		Budget \$179,324	Levy		FTE's 2.18
Register of Deeds is statutorily responsible to record or file land record documents authorized by law, such as deeds, mortgages, satisfactions, certified survey maps, plats and Federal Tax Liens. Serves as agent for validating weatherization documents on rental property.					
OUTPUTS					
<i>(YTD column = Jan-Jun results)</i>		2013	2014	2015	YTD2016
Number of real estate documents recorded:		17,499	13,987	15,584	7,830
Percentage of real estate documents recorded electronically:		14.40%	11.30%	13.30%	14.55%
Number of rejected real estate documents:		612	494	602	343
Number of real estate images processed:		76,506	57,596	64,277	31,388
Number of copies issued per request and under contracts		48,760	45,170	51,434	26,994
Number of contracted companies for online access:		15	17	21	22
Number of Lis Pendens recorded (foreclosures pending)		178	138	115	65
<u>Performance Goal</u>	<u>Outcome Measures</u>	<u>Benchmark</u>	<u>2014</u>	<u>2015</u>	<u>YTD2016</u>
Provide the county with a secure repository for real estate records, efficiently record with timely access.	100% of recording completed within 24 hours.	100%	99%	99%	99%
Maintain accuracy in recording data.	100% of recording data will be accurate.	100%	98%	98%	98%
Provide convenient and accessible service of public data to remote users.	100% of customers requesting assistance with online land records received helpful information.	100%	99%	99%	99%
Operations must comply within budget.	100% of net expenses/revenues is within budget.	100%	97%	100%	100%
#2 Vital Records		Budget \$ 119,549	Levy		FTE's 1.45
Register of Deeds files births, deaths, marriages, domestic partnerships, military discharges and issues certified copies upon request.					
OUTPUTS					
<i>(YTD column = Jan-Jun results)</i>		2013	2014	2015	YTD2016
Number of vital statistics occurring in Eau Claire County		3,697	3,764	4,056	2,029
Number of certified vital records issued:		18,674	16,725	18,930	9,123
Number of customers served issuing birth, death, marriage & domestic prtsh		5,233	4,946	5,191	2,591
Number of military discharges filed:		103	86	118	77
Number of vital records & discharges certified for Veterans Office		908	753	701	411
<u>Performance Goal</u>	<u>Outcome Measures</u>	<u>Benchmark</u>	<u>2014</u>	<u>2015</u>	<u>YTD2016</u>
Provide a secure repository and timely filing of vital records and provide an electronic record upon request.	100% of vital records are processed within 10 minutes of counter requests. Mail requests completed within 24 hour time frame.	100%	100%	100%	100%
Operations must comply within budget.	100% of net expenses/revenues is within budget.	100%	100%	100%	100%
Totals		Budget \$298,873	Levy \$0		FTE's 3.63

Summary of Requested Addbacks

Description	Department Requested	Administrator Recommendation	F & B Committee Recommendation
Total	\$0	\$0	\$0

No addbacks requested.

Planning & Development

The Department of Planning and Development is responsible for the professional development of long-range plans and equitable administration of codes and ordinances developed to promote the health, safety, and general welfare of citizens and visitors of Eau Claire County as well as preserve our natural resources and environs. Planning and Development is a multi-faceted department with six primary functions organized into six divisions and one functional area. The Land Use Controls Division administers a variety of land use and building codes. The Planning Division prepares land use reports, short and long term plans, ensures disaster preparedness through Emergency Management planning and coordination, and administers the recycling program. The Land Records Division maintains real property records and establishes and maintains the public land survey system. The Land Conservation Division administers land and water conservation programs. The GIS division develops and maintains our land records data into a series of electronic digital sources for the benefit of internal users, businesses and the general public. The Housing Division staffs the County Housing Authority and administers housing programs. A small group of support staff assists the divisions.

Programs & Services

1. Real Property Listing
2. Resurvey
3. GIS
4. Emergency Management Planning
5. Code Administration (Building and Land Use)
6. Land and Water Conservation
7. Planning
8. Solid Waste Management
9. Housing

2017 Departmental Highlights/Summary

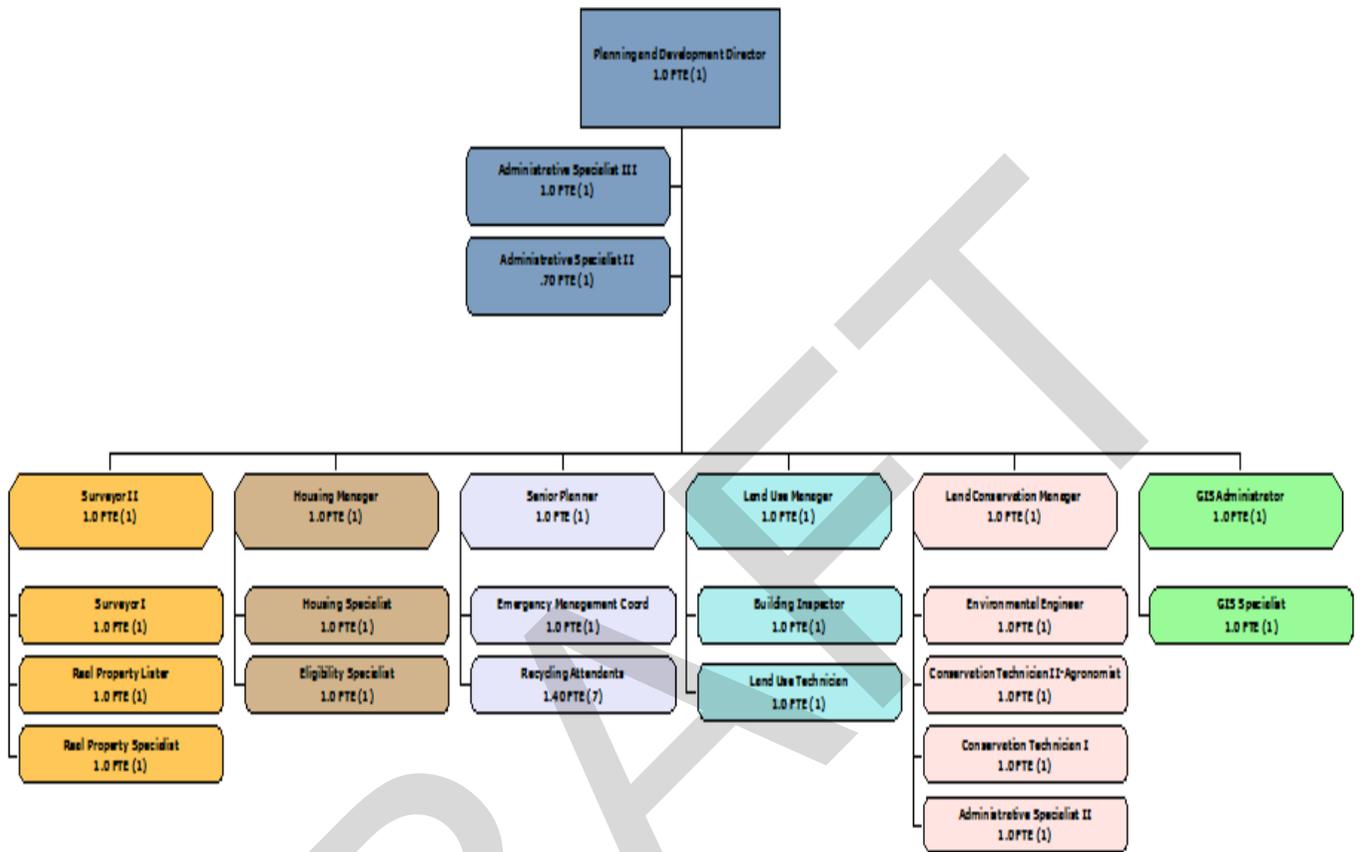
1. The

2

Overview of Expenditures and Revenues

	2015 Actual	2016 Budget	2016 Estimate	2017 Request	2017 Recommended	% Change
Expenditures:						
Personnel	\$ 1,766,164	\$ 1,894,063	\$ 1,788,050	\$ 1,842,372		
Services & Supplies	2,398,846	\$ 2,481,516	2,526,750	\$ 2,633,257		
Equipment	60,100	\$ 13,300	13,300	\$ 25,000		
Total Expenditures	\$ 4,225,110	\$ 4,388,879	\$ 4,328,100	\$ 4,500,629	\$ -	2.55%
Revenues:						
Federal/State Grants	\$ 1,996,862	\$ 2,072,263	\$ 2,133,509	\$2,187,882		
Charges & Fees	1,113,608	1,161,100	1,255,300	1,194,490		
Miscellaneous		-				
Fund Balance Applied	(3,665)	37,259	-			
Property Tax Levy	\$ 1,118,305	1,118,257	1,118,257	1,118,257		0.00%
Total Revenues	\$ 4,225,110	\$ 4,388,879	\$ 4,507,066	\$ 4,500,629	\$ -	

Staffing/Organizational Chart



Year	2011	2012	2013	2014	2015	2016	2017	% Change
FTE	20.76	20.56	20.56	20.56	23.10	23.10	22.90	

Program Financials

2017 Requested Program/Service	Real Prop. Listing Priority 1	Resurvey Priority 2	GIS Priority 3	Emer. Mngt. Priority 4	Code Admin Priority 5
Expenditures:					
Personnel	\$ 150,312	\$ 190,004	\$ 215,145	\$ 137,425	\$ 352,168
Service & Supplies	\$ 8,750	\$ 9,720	\$ 34,750	\$ 42,452	\$ 76,540
Equipment	\$ -	\$ 500		\$ 1,000	\$ 500
Total Expenditures	\$ 159,062	\$ 200,224	\$ 249,895	\$ 180,877	\$ 429,208
Revenues:					
Federal/State Grants	\$ -	\$ 18,500	\$ 31,500	\$ 81,000	
Charges & Fees	\$ 500	\$ 2,000	\$ 33,090	\$ 1,000	\$ 295,000
Miscellaneous	\$ -	\$ -	\$ -	\$ -	\$ -
Fund Balance Applied	\$ -	\$ -	\$ -	\$ -	\$ -
Property Tax Levy					
Total Revenues	\$ 500	\$ 20,500	\$ 64,590	\$ 82,000	\$ 295,000
Mandated Service?	Yes	Yes	Yes	Yes	Yes
Committee Priority:	#1	#2	#3	#4	#5

2017 Requested Program/Service	Land&Water Conservation Priority 6	Planning Current & Long Priority 7	Solid Waste Management Priority 8	Housing Renter Prog. Priority 9	Totals
Expenditures:					
Personnel	\$ 411,665	\$ 80,989	\$ 86,277	\$ 218,387	\$ 1,842,372
Service & Supplies	\$ 187,091	\$ 7,200	\$ 1,185,971	\$ 1,062,595	\$ 2,615,069
Equipment	\$ 800		\$ 35,000		\$ 37,800
Total Expenditures	\$ 599,556	\$ 88,189	\$ 1,307,248	\$ 1,280,982	\$ 4,495,241
Revenues:					
Federal/State Grants	\$ 285,400		\$ 487,500	\$ 1,280,982	\$ 2,184,882
Charges & Fees	\$ 45,700	\$ 7,000	\$ 813,200	\$ -	\$ 1,197,490
Miscellaneous	\$ -	\$ -	\$ -	\$ -	\$ -
Fund Balance Applied	\$ -	\$ -		\$ -	\$ -
Property Tax Levy					\$ 1,118,257
Total Revenues	\$ 331,100	\$ 7,000	\$ 1,300,700	\$ 1,280,982	\$ 4,500,629
Mandated Service?	Yes	Yes	Yes	No	
Committee Priority:	#6	#7	#8	#9	

2016 Approved Program/Service	Real Prop. Listing Priority 1	Resurvey Priority 2	GIS Priority 3	Emer. Mgmt. Planning Priority 4	Land Use Code Priority 5
Expenditures:					
Personnel	\$ 180,072	\$ 204,514	\$ 181,584	\$ 133,863	\$ 221,728
Service & Supplies	\$ 6,000	\$ 21,970	\$ 6,250	\$ 37,245	\$ 16,900
Equipment	\$ -				\$ 500
Total Expenditures	\$ 186,072	\$ 226,484	\$ 187,834	\$ 171,108	\$ 239,128
Revenues:					
Federal/State Grants	\$ -	\$ 50,000	\$ 1,000	\$ 77,100	
Charges & Fees	\$ 500	\$ 2,000	\$ 27,000	\$ 1,000	\$ 164,000
Miscellaneous	\$ -	\$ -	\$ -	\$ -	\$ -
Fund Balance Applied	\$ -	\$ -	\$ -	\$ -	\$ -
Property Tax Levy	\$ 185,572	\$ 174,484	\$ 159,834	\$ 93,008	\$ 75,128
Total Revenues	\$ 186,072	\$ 226,484	\$ 187,834	\$ 171,108	\$ 239,128
Mandated Service?	Yes	Yes	Yes	Yes	Yes
Committee Priority:	#1	#2	#3	#4	#5

2016 Approved Program/Service	Building Code Priority 6	Water Qual. Protection Priority 7	Land Cons. Planning Priority 8	Long Range Planning Priority 9	Current Planning Priority 10
Expenditures:					
Personnel	\$ 128,715	\$ 186,410	\$ 163,851	\$ 51,988	\$ 36,599
Service & Supplies	\$ 17,500	\$ 40,800	\$ 96,100	\$ 12,700	\$ 9,149
Equipment			\$ 800		
Total Expenditures	\$ 146,215	\$ 227,210	\$ 260,751	\$ 64,688	\$ 45,748
Revenues:					
Federal/State Grants	\$ -	\$ 101,300	\$ 144,754	\$ -	\$ -
Charges & Fees	\$ 120,000	\$ 28,200	\$ -	\$ 2,000	\$ 4,000
Miscellaneous	\$ -	\$ -	\$ -	\$ -	\$ -
Fund Balance Applied	\$ -	\$ -	\$ -	\$ -	\$ -
Property Tax Levy	\$ 26,215	\$ 97,710	\$ 115,997	\$ 62,688	\$ 41,748
Total Revenues	\$ 146,215	\$ 227,210	\$ 260,751	\$ 64,688	\$ 45,748
Mandated Service?	Yes	Yes	Yes	Yes	Yes
Committee Priority:	#6	#7	#8	#9	#10

2016 Approved Program/Service	Land Preservation Priority 11	Solid Waste Management Priority 12	Housing Renter Prog. Priority 13	Home Buyer/ Owner Prog. Priority 14	Totals
Expenditures:					
Personnel	\$ 92,923	\$ 90,457	\$ 166,179	\$ 55,180	\$ 1,894,063
Service & Supplies	\$ 41,950	\$ 1,119,202	\$ 1,052,562	\$ 3,188	\$ 2,481,516
Equipment	\$ 12,000				\$ 13,300
Total Expenditures	\$ 146,873	\$ 1,209,659	\$ 1,218,741	\$ 58,368	\$ 4,388,879
Revenues:					
Federal/State Grants	\$ 41,000	\$ 380,000	\$ 1,218,741	\$ 58,368	\$ 2,072,263
Charges & Fees	\$ 20,000	\$ 792,400	\$ -	\$ -	\$ 1,161,100
Miscellaneous	\$ -	\$ -	\$ -	\$ -	\$ -
Fund Balance Applied		\$ 37,259	\$ -	\$ -	\$ 37,259
Property Tax Levy	\$ 85,873		\$ -	\$ -	\$ 1,118,257
Total Revenues	\$ 146,873	\$ 1,209,659	\$ 1,218,741	\$ 58,368	\$ 4,388,879
Mandated Service?	Yes	Yes	No	No	
Committee Priority:	#11	#12	#13	#14	

#1 Real Property Listing		Budget #	Levy #	FTE's	
				2	
<p>Coordinate and maintain up to date and accurate assessment information for 17 municipalities. Integrate and monitor all real estate and personal property data into the Land Records software systems for assessment and taxation purposes to ensure Eau Claire County maintains an open and accountable process with equity in taxation. Oversee the assessment process - including those prescribed by the Department of Revenue - collaborating with state, county, municipal and private sectors.</p>					
OUTPUTS					
			2014	2015	YTD2016
Number of municipalities property rolls finalized during the year:					
Number of municipality parcel data provided to Land Use Controls Division:					
Number of assessments repaired to balance tax roles:					
Performance Goal	Outcome Measures	Benchmark	2014	2015	YTD2016
Prepare and maintain accurate ownership and description information for all parcels of real property for 17 municipalities.	All yearly assessment data conforms to current standards set by the State and County and Chapter 70.09 requirements are met for 17 municipalities.	100%	100%	100%	71%
Seek innovative ways to provide information on parcels of real property to those requesting that information or service.	100% of the prior year's property/land splits are provided to the County's Digital Mapping Program (GIS) to benefit municipal assessors to assess property and for the benefit of everyone needing current parcel maps.	100%	100%	100%	50%
Collaborate to serve as the coordinator to the various taxing districts in the completion of the yearly assessment and taxation cycle.	100% of the municipal Assessors approve their assessed values contained in an Assessment Roll produced by the County.	100%	100%	100%	71%
Eliminate invalid syntax within Assessment Role data to "clean" data from previous (DOS) conversion.	Number of "", "", and other characters reduced to zero.	Zero	New (NA)	New (NA)	New (NA)
Complete all splits and ownership changes for 2017 by January 31, 2018	All previous year changes completed within 1 month of year end.	100%	New (NA)	New (NA)	New (NA)
Adapt to internal and external staffing conditions by cross-training staff.	Real Property Specialist and Administrative Specialist trained to provide assistance to public, assessors or officials in subjects of Real Property issues, assessment and tax role preparation.	2	New (NA)	New (NA)	New (NA)

#2 Survey/Land Records		Budget Obtain #	Levy Obtain #	FTE's	
<p>A Dependent Resurvey of the United States Public Land Survey System (PLSS) that comprises Eau Claire County. The Public Land Survey System is the backbone that supports our real estate and property ownership framework. A major component includes the perpetual maintenance of 2000 Eau Claire County corners, accessory survey monuments, together with all supporting documentation. An additional facet of the Land Records Division is to serve as the library of survey maps for the County. Filing and cataloging survey documents is an ongoing operation and preparing those survey documents for web research is a new, key component for this division.</p>					
OUTPUTS					
			2014	2015	YTD2016
Number of PLSS Corners replaced by maintenance			24	11	14+
Number of PLSS Corners with Survey-grade Latitude/Longitude values determined			36	36	36
Percentage of total County monuments perpetuated			4	2	4
Number of documents uploaded for web research			New(NA)	New (NA)	3300
Number of hits on Survey Maps research page (need not be unique as each hit represents additional research)			New(NA)	New (NA)	New (NA)
Performance Goal	Outcome Measures	Benchmark	2014	2015	YTD2016
Visit and verify each PLSS Corner and obtain the survey grade Latitude/Longitude for each monument.	2000 PLSS Corners will be perpetuated to standards of the United States Code, Title 43, Chapter 17; Wisconsin Statute 59.74 and the Wisconsin Administrative Code A-E 7. ~1250 are complete	750	25	20	36
Prepare the supporting documentation and base map for the County's Computerized Mapping and its use in the Geographic Information System (GIS).	Each of the correctly perpetuated PLSS Corners will serve as the framework from which to construct the base parcel maps in the County's Geographic Information System (GIS) and for tracking of parcels for the Real Property Program.	750	20	20	4
Continued stewardship of County PLSS monumentation which meets the requirements of Wisconsin Statute 59.74 by accurately perpetuating the location of 5% of all government corners monuments within the	Number of monuments visited, located, perpetuated and replaced (if needed) per year.	60	25	20	36
Innovate: New project started in 2016: Make filed survey documents available on the County website for research	Upload all filed map documents to website; 5550 total, with 3300 complete and new filings received continuously	5550 (3300 complete) plus new receipts	New (NA)	New (NA)	3300
Innovate: New project started in 2016: Make PLSS monument records available on the County website for research.	2000 documents/document folders will be available for web-researchers.	2000	New (NA)	New (NA)	New (NA)
Collaborate with State, County, City, Village and Town Highway/Road Departments to preserve/replace monuments affected by road work	All road projects provide notification to our office prior to the destruction of any monuments occurring during road work.	100%	100%	100%	In Progress

#3 Geographic Information System (GIS)		Budget \$187,834	Levy \$159,834	FTE's 2.14	
The Geographic Information System (GIS) Division is responsible for the production and improvement of county base maps including: Tax Parcel, 911 Street Centerline & Addressing, Supervisory Districts, Zoning and others. GIS technology helps Eau Claire County to streamline business practices while adhering to complex political and regulatory requirements. GIS mapping and analysis are a critical component of Farmland Preservation, Comprehensive Planning, Ground Water Protection, Emergency Management, Land Use and Zoning.					
OUTPUTS (As of 08/01/2016)					
		2014	2015	2016	
Number of Parcel Splits, Combines, Plats and Annexations produced during year:		215	256		
Number of Addresses created or updated for 911		277	221	153	
Eau Claire County Land Information Plan (2016-2018)			1		
Submit current boundaries of Municipalities, Wards, and Supervisory Districts to LTSB		1	2	2	
Searchable survey documents uploaded to the GIS website				3453	
Performance Goal	Outcome Measures	2014	2015	2016	
The continued development and expansion of a countywide GIS to serve public and county needs and to comply with Wisconsin Land Information Program funding requirements.	Completed a Land Information Plan describing current status of county GIS and plans for 2016-2018. Received Strategic Initiative Grant and retained fees funding to further our GIS innovation and achieve goals of WLIP and public/county.	100%	100%	100%	
Provide leadership in identifying and advancing GIS, data development, related infrastructure, training and education needs	The GIS Program's solutions will conform to Eau Claire County's Land Information Plan.	100%	100%	100%	
Actively coordinate data-distribution, both online and through traditional data requests.	GIS Web Page receives an average of 10,000 pageviews per month, providing users access to GIS information and application services online.	100%	100%		
Innovate: Make survey documents available online, allowing 24-7 accesses to information.	Collaborated with the Land Records Division to make Survey Documents accessible to the public on the GIS website. In 2016 we uploaded, spatial referenced, and made searchable PLSS Tiesheets, Map of Surveys, and Section Breakdown.	na	na	100%	
Innovate: Convert County GIS data to the new ESRI data standard LGIM (Local Government Information Model) and the Parcel Fabric editing solution.	The GIS Division used a WI DOA Strategic Initiatives Grant to convert our parcel data to ESRI's Parcel Fabric and the LGIM. The project improved workflow processes and will increase parcel geometric accuracy over time.	na	na	100%	
The assignment of accurate addresses for new structures and make address corrections wherever necessary.	New addresses assigned are accurate.	100%	100%	100%	
	100% of property address corrections are completed within 5 working days of notification of an addressing error.	100%	100%	100%	
Participate in the Consolidated Boundary and Annexation Survey (CBAS) via Legislative Technology Services Bureau (LTSB) updating municipal data into the Census database	Twice a year, on or before January 15th and July 15, we will submit current boundaries of Municipalities, Wards, and Supervisory Districts to LTSB.	na	100%	100%	

#4 Emergency Management Planning	Budget	Levy	FTE's 1.60
Emergency Management Planning provides planning, training, and exercise to clarify disaster response roles and issues relating to all community threats in preparation for development of response plans and agency protocols. With emergency service departments and community organizations, identify roles, resources, and management needs that exceed local capabilities during disaster response in order to locate disaster assistance through regional, state, and federal agencies.			
OUTPUTS			
	2014	2015	YTD2016
Number of media events to provide information on disaster preparedness:	6	9	3
Number of Emergency Operation Plans updated during the year: (13 ANNEXES)	13	13	13
Number of Emergency Off Site Plans updated per year:	6	5	9
Number of emergency response exercises that are supported during the year	4	4	0
Number of Hazard Mitigation Plan funding grant requests (updated every 5 years)	2	2	1
Number of HazMat Team spill responses:	0	0	0
Plan for two tabletop, drill or exercises per year	4	3	0

Performance Goal	Outcome Measures	Benchmark	2014	2015	YTD2016
Improve collaboration with residents and businesses of Eau Claire County by providing information on safety measures to mitigate, prepare for, respond to, and recover from disaster situations and supporting organizations that prepare for and respond to natural and man-made emergencies	100% Complete media campaigns annually as listed below - Tornado Awareness Campaign - EPCRA Outreach Campaign - Additional Outreach Campaigns To provide a minimum of two speaking engagements annually to improve public awareness with an evaluation tool before and after to measure change in hazard mitigation awareness.	5	120%	180%	60%
	Update 50% of County Departments COOP and COG plans each year, (100 % in each two year cycle)	13	N/A	N/A	New
	100% Support continuation of the hazardous materials spill response team contract to remain prepared for chemical spill incidents	100%	100%	100%	100%
Promote financial stability of EM program by completing grant applications (EPCRA and EMPG) to fund the EM program to offset and reduce levy impacts to the county.	100% complete grant application for consulting work on the county hazard mitigation plan	100%	100.0%	100.0%	100.0%
	100% Complete State and Federal grant programs to receive full eligible grant amount	100%	100%	100%	100%

Code Administration - Land Use and Building		Budget		FTE's 3.75	
Land Use Code: The land use controls division administers the County's land use codes. The land use code applies to all land and water located outside the limits of incorporated cities and villages in towns that have adopted county zoning. The land use code implements policies and objectives based in the county comprehensive plan. Land use regulations control the uses of land, the height and bulk of structures and dimensions of lots or building sites and yards.					
Building Code: The land use controls division also administers and enforces the one and two family dwelling and commercial building codes. The purpose of the program is to promote the development of quality housing, public buildings and places of employment and to protect the health, safety and welfare of the public and employees.					
OUTPUTS (Up to date as of 7/8/16)					
LAND USE CODE		2014	2015	YTD2016	
Land use permits issued:		372	362	179	
Conditional use permits requested:		35	20	15	
Variance and Appeals requested:		6	2	3	
Lots created (Certified Survey Map or Plat)		64	87	47	
Complaints received:		55	50	45	
Text amendments processed:		4	1	1	
Value of new construction in millions		\$27	\$130	\$24,432,442	
BUILDING CODE					
Building permits issued:		263	281	116	
Building permits issued for new dwellings:		85	111	45	
Commercial building permits issued:		49	49	10	
Number of complaints received:		25	28	12	
Value of new construction in millions (Residential/Commerical)		\$23	\$128	\$305,534	
OUTCOMES					
LAND USE CODE:					
Performance Goal	Outcome Measures	Benchmark	2014	2015	YTD2016
Work with County citizens to ensure the use of land and buildings are compatible with nearby existing and planned land uses to encourage property value growth and orderly development.	95 % of the land use permits will be reviewed for compliance with the County Code within 5 working days of filing the permit with the Department.	95%	99%	99%	98%
	100 % of the land use permit applications where the building setback is shown on the site plan to be within 15 feet of a required setback distance will be inspected within 3 working days, prior to issuance of the permit.	100%	100%	100%	100%
Reduce zoning violations to improve quality of life and preserve property values. Educate property owners on the land use requirements.	95 % of all complaints filed with the department will be inspected within 2 working days from the date of the complaint.	95%	90%	95%	95%
	90 % of all written compliance notices will be issued within 15 working days where staff has verified that a violation exists.	90%	90%	98%	97%
NEW - Innovate and Adapt Priority Comprehensive Zoning Code Update: Department will collaborate and involve community members and town officials in the process to rewrite the County's 34-year old zoning code in 2017.	Develop a new zoning ordinance that will continue to enforce the policies, goals and objectives of the County's comprehensive plan, along with meeting the township needs of while providing improved services to the community by creating an user friendly code with charts and easy to understand text.	Adopted Code			100% Complete in 2017

To better serve county residents, staff and the committee will review county land use and building codes on an annually basis to ensure they align with the goals and policies of local and county comprehensive plans, so that it protects property values, fosters both development and economical growth, while complying with local, state and federal law.					
To review fees annually to verify the fees collected covered the administrative costs and services without putting a burden on the citizens of Eau Claire County.					
NEW - Improve Collaboration Priority Department staff organizes an annual meeting with Town Officials to discuss program updates and to provide a formula to exchange information on the Town/County partnership.	Organize and participate in the Town/County Annual Forum	100%			Annual
To promote the development of quality housing, public buildings and places of employment. Value: Good Stewards of County Resources	95% of all Uniform Dwelling Code or Commercial building permit applications will be reviewed and issued within 5 working days after being filed with the department. 95 % of the required inspections for the Uniform Dwelling Code and Commercial Building Permits will be completed within 2 working days following the day of the notification	95%	95%	99%	99%
To provide quality inspection services to the Housing Division for property owners seeking housing assistance. Value: Responsive to Our Citizens	90 % of the Housing Division inspection requests will be completed within five working days. 95 % of the violation notices for unsafe building conditions will be issued within 3 working days after being inspected by department. 95 % of the violations will be re-inspected within 30 working days after notice is given to confirm compliance with the enforcement orders.	90%	95%	98%	98%
		95%	95%	98%	98%
		95%	95%	95%	95%

Land and Water Conservation		Budget	Levy	FTE's	
				5.00	
<p>Water quality protection, Land Conservation Planning, and Land Preservation are core tenets of Eau Claire County's Land Conservation Division. A comprehensive Land and Water Resource Management (LWRM) Plan outlines programming to protect and conserve the County's natural resources, reduce nutrient and sediment inputs into our waters, maintain productive agricultural lands, and preserve special habitats on the landscape. The LCD activities encompass several sub-programs including; Storm Water Planning/Permitting, Lake Rehabilitation, Groundwater Protection, Cost-Share to landowners, administration of State Ag & Urban Non Point Pollution Standards, Animal Waste Ordinance Administration, Nutrient Management Planning, Farmland Preservation Compliance, Wildlife Damage Program, Conservation Tree Sales, Land Stewardship, and other outreach activities. Many of these programs are mandated under the authority of Wisconsin Statute 92 as directed by the Land Conservation Commission.</p>					
OUTPUTS					
	Goal	2014	2015	YTD 2016	
Number of landowner contacts:		400+	400+	150+	
Number of acres planned for Nutrient Management:		19,250	24,776	TBD	
Number of acres stabilized using cost-shared funds		n/a	n/a	TBD	
Pounds of Phosphorus Reduction achieved using cost share funds		n/a	n/a	TBD	
Number of erosion control & stormwater permits issued:		84	35	20	
Number of waste storage & abandonment permits issued:		0	2	1	
Number of acres controlled to allowable soil lost (T) through RUSLE 2:		45,000+	49,000+	TBD	
Number of notices placed for public meetings:		28	30	16	
Number of farms evaluated for conservation needs:		64	121	TBD	
Number of acres enrolled in Farmland Preservation Program (FPP)		51,970	52,588	TBD	
FPP tax credit dollars made available to landowners via LCD review		TBD	TBD	TBD	
Number of trees sold:		22,650	21,900	19,875	
Number of wildlife damage complaints addressed:		3	6	3	
Performance Goal	Outcome Measures	Benchmark	2014	2015	YTD 2016
To reduce sediment delivery and nutrient impacts to the water resources of Eau Claire County.	Percent of Eau Claire County Cropland in compliance with nutrient management performance standard.	additional 2 % annually	TBD	TBD	TBD
	Percent of Eau Claire County Cropland in compliance with Tolerable Soil Loss (T).	additional 2 % annually	TBD	TBD	TBD
	At least 80% reduction in Total Suspended Solids (TSS) on construction sites as a result of Stormwater and Erosion Control Permitting	at least 80% reduction	n/a	n/a	TBD
	Targeted Watershed Inventories completed on at least 1000 acres/year	1,000 acres	n/a	n/a	TBD
	Secure and Offer adequate cost share to correct and attain compliance on agricultural sites to obtain compliance	100%	n/a	n/a	100%
Promote and educate land owners and operators about the benefits of participating in long term soil and water conservation practices (and associated programs)	Collaborate with partners to provide at least 5 public outreach or education presentations / workshops.	5	100%	100%	100%
	Provide at least 50 one-on-one outreach or education contacts to Eau Claire County residents.	50	100%	100%	70%
	Review/revise at least 50 conservation plans each year to evaluate whether or not farmers are in compliance with FPP guidelines and state standards.	50	100%	100%	100%
	Maintain at least 95% satisfaction from County residents receiving LCD assistance or participating in LCD programs	95%	99%	100%	100%

*YTD2016 numbers reflect activity through June 30, 2016

Budget & Levy numbers reflect approved 2016 budget

Last Updated on 7/29/2016

Planning - Current and Long Range		Budget	Levy	FTEs	
Protect, preserve and promote the health, safety and general welfare of county residents by providing high-quality, efficient, professional planning services. This is accomplished by proactively assisting residents, townships, and other community stakeholders in the development of long-range plans and through the implementation, amendment, interpretation, and administration of existing plans and ordinances. Examples of long-range planning activities include development of comprehensive plans, outdoor recreation plans, farmland preservation plans.				0.60	
OUTPUTS					
Current Planning		2014	2015	YTD2016	
Number of land use codes assigned to all new and existing parcels		546	450	N/A	
Number of staff reports prepared		11	13	N/A	
Number of new and corrected land use codes input into the Assessment Office system		604	425	N/A	
Long Range Planning					
Eau Claire County Comprehensive Plan (includes amendments and updates)		4	1	N/A	
Eau Claire County Farmland Preservation Plan (updated every 5 years)		0	1	0	
Eau Claire County Land Records Modernization Plan (updated every 5 years)		0	1	0	
Eau Claire County Outdoor Recreation Plan (updated every 5 years)		0	0	1	
Other plans and reports on various issues as directed (ex: Bicycle-pedestrian plan)		2	1	1	
Performance Goal	Outcome Measures	Benchmark	2014	2015	YTD2016
Innovate and adapt to current community conditions and development trends by preparing, updating and amending the Eau Claire County and township comprehensive plans, the County Zoning Ordinance (Chapter 18), the Farmland Preservation Plan, the County Outdoor Recreation Plan, Land Information Plan, and other plans and reports as assigned in accord with required or otherwise appropriate intervals and within required timeframes. Utilize contemporary and progressive planning models and concepts in plan and code updates to provide more flexible and understandable tools for residents, developers, and decision makers to evaluate and build projects in an efficient and cost-effective manner.	Ensure that 100% of long range plans are consistent with statutory requirements and completed in the appropriate timeframes.	100%	100%	100%	100%
	Complete 100% of other plans and reports on long-range issues within a timeframe that does not exceed 1½ times the projected timeframe.	100%	100%	100%	100%
	Complete 100% of annual reports documenting consistency of development with the county's Comprehensive Plan and Farmland Preservation Plan, and the status of conditions that are intended to be protected, maintained or improved.	100%	100%	100%	100%
	Complete all assigned comprehensive code amendment tasks within projected timeframes, including support to steering committee, research, ordinance drafting, and public outreach/hearing processes	100%	N/A	N/A	N/A
Provide responsive customer service by responding to all telephone and email inquiries within the same business day, if possible, and no longer than 24 hours	All calls and emails answered within a timeframe of no more than 24 hours	100%	N/A	N/A	N/A
Provide planning assistance to towns, villages, and cities in Eau Claire County through regular coordination, communication, and outreach. Establish, maintain, and enhance open communication and partnerships between the county and jurisdictions by providing timely information, support, and assistance when needed to ensure coordinated, consistent, high-quality development in the county.	Participate in the annual Towns/County Forum	1 event	0	1	1

* Other plan in progress includes Town of Washington comprehensive plan. Completed plans include Town of Otter Creek comprehensive plan & Land Information

#12 Solid Waste Management	Budget \$1,253,039	Levy \$0		FTEs 0.5
-----------------------------------	-----------------------	-------------	--	-------------

PROGRAM OBJECTIVES: Work in collaboration with solid waste haulers and private and public community organizations to provide residents with high-quality, efficient solid waste disposal and recycling services as well as provide education and information on ways to reduce, reuse and recycle waste and hazardous materials with the objective of diverting reusable and recyclable materials from the waste stream and protecting the environment

OUTPUTS					
			2014	2015	YTD 2016
Number of households participating in curbside recycling:			27,973	28,543	N/A
Tons of recyclables collected and recycled:			7,423	7,684	N/A
Cost per ton of recycling vs. state-wide average			150.98	157.61	N/A
Pounds recycled per person vs. state-wide average			141.78	149.26	N/A
Number of Clean Sweep events held per year:			4	4	1
Number of households participating in Clean Sweep:			891	1012	N/A
Pounds of household hazardous waste collected and disposed of in Clean Sweep:			63337	88030	N/A
Cost per pound of hazardous waste recycling			\$0.32/lb	\$0.29/lb	N/A
Pounds of waste medication collected and disposed of:			2000	1380	N/A
Performance Goal	Outcome Measures	Benchmark	2014	2015	YTD 2016
Improve collaboration with outside entities and the community to encourage residents and businesses to reduce, reuse, and recycle waste, to compost organic waste, to properly dispose of household hazardous waste, and to use environmentally friendly alternatives to household hazardous waste. These efforts ensure compliance with statutory requirements and promote innovative, cost-effective programs to reduce recyclable and hazardous materials in the	All residents receive current up-to-date educational information about recycling	100%	95%	95%	N/A
	Partner with UWEC in at least one recycling-oriented event (i.e. the "Just Bag It" recycled materials fashion show)	# of events	new	new	N/A
	Partner with local jurisdictions to place recycling containers in parks and recreation areas. 2017 pilot program will be with the City of Altoona.	1 project	new	new	N/A
	Use multi-media technology and other sources to more effectively communicate with county residents	# of posts on Facebook	new	new	N/A
Ensure long-term fiscal stability of recycling program	Build and maintain undesignated fund balance to 30% of program budget by 12/31/18	30% of annual budget	23%	42%	65%
Increase the number of households in single-family, two-family, three-family and four-family dwelling units that are recycling in Eau Claire County.	95% of households in Eau Claire County participate in recycling	95%	77%	79%	81%
Provide citizens with a cost-effective, accessible and efficient program for the collection and disposal of recyclables through cooperative agreements with service providers and provide opportunities to dispose of hazardous waste at Clean Sweep events	All county residents have access to recycling services through curbside collection or rural drop-off sites	100%	100%	100%	100%
	Conduct at least two (2) Clean Sweep events annually	# of events	4	4	1

# Housing Programs		Budget	Levy	FTE's	
		\$294,521	\$0	3.00	
Provide rental housing, rent subsidies, loans and related assistance to lower income households to help them to live in safe, sanitary, accessible and affordable housing.					
OUTPUTS					
			2014	2015	2016 YTD
Process new applications			382	365	218
Inspect dwelling units			266	187	123
Loan down payment/closing cost funds to buyers			1	1	1
Loan rehabilitation funds			17	3	2
Provide financial assistance to construct new dwellings			0	1	1
Lease Housing Authority-owned units			270	268	135
Subsidize monthly rent payments to private landlords			2573	2418	1266
Brief applicants/participants about housing programs/issues			381	320	116
Performance Goal	Outcome Measures	Benchmark	2014	2015	2016 YTD
Seek and secure revenue alternatives to sustain program activities	Operate within current year administrative revenues	95%	n/a	n/a	n/a
	Complete all funding agency submissions by their applicable deadlines	100%	100.0%	100.0%	100.0%
Provide financial assistance to qualified households	Spend at least 95% of available renter funds	95%	102.2%	99.6%	99.8%
	Spend at least 95% of available buyer funds	95%	96.0%	100.0%	108.8%
	Spend at least 95% of available owner funds	95%	96.3%	112.7%	109.6%
House qualified households	Maintain 95% occupancy of Authority-owned units	95%	83.3%	82.7%	88.2%
Collaborate with other agencies to enhance assistance	Provide financial assistance for new home construction when available	100%	n/a	100.0%	100.0%
	Respond to requests for assistance and/or referrals within 24 hours of receipt	100%	n/a	n/a	n/a

Opportunities & Challenges

The Planning and Development Department will be launching a Comprehensive Code Revision process in 2017 to update and modernize our zoning and land division codes. Both codes are more than 30 years old and are not truly reflective of current and/or future land use trends or needs. Modernizing both codes will better align regulations with the comprehensive plan and allow Eau Claire County to become more responsive and supportive to economic development needs in the future. This project will command a significant amount of staff time and resources to be completed within the established goal timeframe of completion by the end of 2017.

Planning and Development is comprised of six unique divisions. It is anticipated that at least one division, the Housing Authority, will be split off from the Planning and Development Department in 2017. Consolidation of the Land Conservation division within the 3rd floor suite of the courthouse is also envisioned in 2017 to better serve the public and maximize efficiency within the overall department. Emergency Management will also be assessed in 2017 to determine if its current placement and location within the Planning and Development Department is the most logical and efficient arrangement.

Implementation efforts to implement the Eau Claire River Watershed Management Plan will begin in earnest in 2017. This multi-agency, multi-county collaborative effort takes a more comprehensive and proactive approach to improve water quality and enhance overall environmental health and recreation of this significant water resource for residents and visitors of Eau Claire County.

Meeting the technological demands for GIS products and services within the Planning and Development Department on behalf of all Eau Claire County government (along with other local units of government) is a continual challenge. Increased coordination and service provision is anticipated in 2017, including various county departments as well as the City of Eau Claire and City of Altoona, to ensure consistent and streamlined delivery of information and land information resources to the general public.

Summary of Requested Addbacks

Description	Department Requested	Administrator Recommendation	F & B Committee Recommendation
		\$0	\$0

No Add-Backs are requested for the 2016 Budget.

DRAFT

DRAFT
AUGUST, 2016

Chapter 20

Eau Claire County

Shoreland Overlay Protection Ordinance

Available at:
Eau Claire County Department of Planning and Development
721 Oxford Ave.
Eau Claire, WI 54701
715-839-4741
www.co.eau-claire.wi.us

Table of Contents

<u>Sections:</u>	<u>Page</u>
20.1 Statutory Authorization, Finding of Fact, Statement of Purpose and Title	5
20.1.1 Statutory Authorization	5
20.1.2 Finding of Fact	5
20.1.3 Purpose and Intent	5
20.1.4 Title	5
20.2 General Provisions	6
20.2.1 Areas to Be Regulated	6
20.2.2 Shoreland-Wetland Maps	6
20.2.3 Compliance	7
20.2.4 Municipalities and State Agencies Regulated	7
20.2.5 Abrogation and Greater Restrictions	7
20.2.6 Interpretation	8
20.2.7 Severability	8
20.3 Shoreland-Wetland District	9
20.3.1 Designation	9
20.3.2 Purpose	9
20.3.3 Permitted Uses	9
20.3.4 Prohibited Uses	11
20.3.5 Rezoning of Lands in the Shoreland-Wetland District	11
20.4 Land Division Review and Sanitary Regulations	12
20.4.1 Land Division Review	12
20.4.2 Planned Unit Development	12
20.4.3 Sanitary Regulations	13
20.5 Minimum Lot Size	14
20.5.1 Purpose	14
20.5.2 Sewered Lots	14
20.5.3 Unsewered Lots	14
20.5.4 Substandard Lots	14
20.5.5 Other Substandard Lots	14
20.6 Building Setbacks	15
20.6.1 Shoreland Setbacks	15
20.6.2 Reduced Principal Structure Setback	16
20.6.3 Floodplain Structures	16
20.7 Vegetation	18
20.7.1 Purpose	18
20.7.2 Activities Allowed Within a Vegetative Buffer Zone	18
20.8 Filling, Grading, Lagooning, Dredging, Ditching and Excavating	19
20.8.0 Filling, Grading, Lagooning, Dredging, Ditching and Excavating.	19
20.8.1 General Standards.	
20.8.2 Permit Required.	
20.8.3 Permit Conditions.	
20.9 Impervious Surfaces	20
20.9.1 Purpose	20

20.9.2 Calculation of Percentage of Impervious Surfaces	20
20.9.3 General Impervious Surface Standard	20
20.9.4 Impervious Surface Standard for Highly Developed Shorelines	20
20.9.5 Maximum Impervious Surface Standard	22
20.9.6 Treated Impervious Surfaces	22
20.9.7 Existing Impervious Surfaces	23
20.10 Height	24
20.10.1 Structure Height	24
20.10.2 Structure Height Measurement	
20.11 Nonconforming Uses and Structures	25
20.11.1 Discontinued Nonconforming Use	25
20.11.2 Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures	25
20.11.3 Lateral Expansion of Nonconforming Principal Structures Within the Setback	25
20.11.4 Expansion of Nonconforming Principal Structures Beyond the setback	25
20.11.5 Relocation of Nonconforming Principal Structures	26
20.12 Structures Authorized by Variance	27
20.13 Mitigation	28
20.14 Administration	
20.14.0 Administrative Provisions	29
20.14.1 Land Use Permits	30
20.14.2 Conditional Use Permits	30
20.14.3 Variances	32
20.14.4 Board of Land Use Appeals	32
20.14.5 Fees	33
20.14.6 Changes and Amendments	33
20.14.7 Enforcement and Penalties	33
20.15 Definitions	34
Appendices	
A Mitigation Procedure	38
B Sample Affidavit Recording for Shoreland Mitigation	40

SHORELAND OVERLAY PROTECTION ORDINANCE

SECTIONS:

- 20.1 Statutory Authorization, Finding of Fact, Statement of Purpose and Title
- 20.2 General Provisions
- 20.3 Shoreland-Wetland District
- 20.4 Land Division Review and Sanitary Regulations
- 20.5 Minimum Lot Size
- 20.6 Building Setbacks
- 20.7 Vegetation
- 20.8 Filling, Grading, Lagooning, Dredging, Ditching and Excavating
- 20.9 Impervious Surfaces
- 20.10 Height
- 20.11 Nonconforming Uses and Structures
- 20.12 Structures Authorized by Variance
- 20.13 Mitigation
- 20.14 Administrative Provisions
- 20.15 Definitions

20.1 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE.

SECTIONS:

- 20.1.1 Statutory Authorization
- 20.1.2 Finding of Fact
- 20.1.3 Purpose and Intent
- 20.1.4 Title

20.1.1 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in Wis. Stat. § 59.692 to implement Wis. Stat. § 59.692 and 281.31.

20.1.2 FINDING OF FACT. Uncontrolled use of the shorelands and pollution of the navigable waters of Eau Claire County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Eau Claire County, Wisconsin.

20.1.3 PURPOSE AND INTENT. (NR 115.01) For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

- (1) FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:
 - (a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - (b) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
 - (c) Controlling filling and grading to prevent soil erosion problems.
 - (d) Limiting impervious surfaces to control runoff which carries pollutants.
- (2) PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:
 - (a) Preserving wetlands and other fish and aquatic habitat.
 - (b) Regulating pollution sources.
 - (c) Controlling shoreline alterations, dredging and lagooning.
- (3) CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:
 - (a) Prohibiting certain uses detrimental to the shoreland-wetlands.
 - (b) Setting minimum lot sizes and widths.
 - (c) Setting minimum building setbacks from waterways.
 - (d) Setting the maximum height of near shore structures.
- (4) PRESERVE AND RESTORE SHORELAND VEGETATION AND NATURAL SCENIC BEAUTY THROUGH:
 - (a) Restricting the removal of natural shoreland cover.
 - (b) Preventing shoreline encroachment by structures.
 - (c) Controlling shoreland excavation and other earth moving activities.
 - (d) Regulating the use and placement of boathouses and other structures.

20.1.4 TITLE. Shoreland Overlay Protection Ordinance for Eau Claire County, Wisconsin.

20.2 GENERAL PROVISIONS.

SECTIONS:

- 20.2.1 Areas to Be Regulated
- 20.2.2 Shoreland-Wetland Maps
- 20.2.3 Compliance
- 20.2.4 Municipalities and State Agencies Regulated
- 20.2.5 Abrogation and Greater Restrictions
- 20.2.6 Interpretation
- 20.2.7 Severability

20.2.1 AREAS TO BE REGULATED. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Eau Claire County which are:

- (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. (NR 115.03(8)) Lakes, ponds or flowages in Eau Claire County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: <http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf> or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.
- (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (NR 115.03(8)) Rivers and streams in Eau Claire County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
- (3) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when Wis. Stat. § 13.48 (13), Stats, applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if Wis. Stats. § 30.2022 (1), Stats, applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stats. § 61.353 and Wis. Stats. § 62.233, Stats.
- (4) Determinations of navigability and ordinary high-water mark location shall initially be made by the Land Use Manager. When questions arise, the Land Use Manager shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark.
- (5) Under Wis. Stats. § 281.31(2m), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
 - (a) Lands adjacent to farm drainage ditches if:
 1. Such lands are not adjacent to a natural navigable stream or river;
 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (b) Lands adjacent to artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body.

20.2.2 SHORELAND-WETLAND MAPS. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

20.2.3 COMPLIANCE. The use of any land; the size, shape and placement of lots; the use, size, type and

location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

20.2.4 MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when Wis. Stats. §13.48(13), Stats, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. § 30.2022(1), Stats, applies.

20.2.5 ABROGATION AND GREATER RESTRICTIONS. (Wis. Stats. § 59.692(5), Stats) The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than Wis. Stats. § 59.692, Stats, does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

- (1) (s. 59.692(2)(a), Stats) This ordinance shall not require approval or be subject to disapproval by any town or town board.
- (2) (s. 59.692(2)(b), Stats.) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
- (3) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (4) The following provisions of the Eau Claire County Zoning Ordinance are hereby incorporated by reference. These provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.
- (5) (s. 59.692(1d)(b), Stats) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 20.1.3 of this ordinance.
- (6) (s. 59.692(1k)(a)1, Stats) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
 - (a) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
 - (b) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- (7) (s.59.692(7), Stats) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:
 - (a) The department has issued all required permits or approvals authorizing the construction or maintenance under Wis. Stats. § 30, 31, 281, or 283.

A "facility" means any property or equipment of a public utility, as defined in Wis. Stats. § 196.01 (5), or a cooperative association organized under Wis. Stats. § 185. Code for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

20.2.6 INTERPRETATION. (59.69(13), Stats) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115, Wis. Adm. Code standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

20.2.7 SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

20.3 SHORELAND-WETLAND DISTRICT. (NR 115.04)

SECTIONS:

- 20.3.1 Designation
- 20.3.2 Purpose
- 20.3.3 Permitted Uses
- 20.3.4 Prohibited Uses
- 20.3.5 Rezoning of Lands in the Shoreland-Wetland District

20.3.1 DESIGNATION. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

(1) **LOCATING SHORELAND-WETLAND BOUNDARIES. (NR 115.04(b)2.note)** Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

20.3.2 PURPOSE. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

20.3.3 PERMITTED USES. (NR 115.04(3)) The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, and 281.36, Stats, and the provisions of other applicable local, state and federal laws:

- (1) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:
 - (a) Hiking, fishing, trapping, hunting, swimming, and boating;
 - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (c) The pasturing of livestock;
 - (d) The cultivation of agricultural crops;
 - (e) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - (f) The construction or maintenance of duck blinds.
- (2) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - (a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - (b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
 - (c) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged

- spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
- (d) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (e) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - (f) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses which require the issuance of a conditional use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 - 1. The road cannot as a practical matter be located outside the wetland;
 - 2. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 20.3.5(2);
 - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
 - 4. Road construction activities are carried out in the immediate area of the roadbed only.
 - (b) The construction or maintenance of nonresidential buildings, provided that:
 - 1. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - 2. The building cannot, as a practical matter, be located outside the wetland;
 - 3. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 - 4. Only limited filling or excavating necessary to provide structural support for the building is authorized.
 - (c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 - 1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stats. § 29, where applicable;
 - 2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 20.3.3(3)(a); and
 - 3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
 - (d) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
 - 1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 20.3.5(2).

20.3.4 PROHIBITED USES. (NR 115.04(4)) Any use not listed in sections 20.3.3(1), 20.3.3(2) or 20.3.3(3) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 20.3.5 of this ordinance and Wis. Stats. § 59.69(5)(e).

20.3.5 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT. (NR 115.04(2))

- (1) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:
 - (a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
 - (b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
 - (c) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
 - (d) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.
- (2) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (a) Storm and flood water storage capacity;
 - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (d) Shoreline protection against soil erosion;
 - (e) Fish spawning, breeding, nursery or feeding grounds;
 - (f) Wildlife habitat; or
 - (g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, Wis. Adm. Code, which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.
- (3) If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section 20.3.5(2) of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under Wis. Stats. § 59.692(6). If the Department does so notify the county board, the effect of this amendment shall be stayed until the Wis. Stats. § 59.692(6), adoption procedure is completed or otherwise terminated."

20.4 LAND DIVISION REVIEW AND SANITARY REGULATIONS. (NR 115.05(2))

SECTIONS:

- 20.4.1 Land Division Review
- 20.4.2 Planned Unit Development
- 20.4.3 Sanitary Regulations

20.4.1 LAND DIVISION REVIEW. (NR 115.05(2)) The county shall review, pursuant to Wis. Stats. § 236.45, Stats, all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

- (1) Hazards to the health, safety or welfare of future residents.
- (2) Proper relationship to adjoining areas.
- (3) Public access to navigable waters, as required by law.
- (4) Adequate stormwater drainage facilities.
- (5) Conformity to state law and administrative code provisions.

20.4.2 PLANNED UNIT DEVELOPMENT (PUD). (NR 115.05(1)(a)4)

(1) **PURPOSE.** The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

(2) **REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT.** The Eau Claire County Committee on Planning and Development may at its discretion, upon its own motion or upon petition, approve a **Planned Unit Development Overlay District** upon finding, after a public hearing, that all of the following facts exist:

- (a) **Area.** The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
- (b) **Lots.** Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of sections 20.5.2 and 20.5.3 shall be a non-riparian lot.
- (c) **Lot sizes, widths, setbacks, and vegetation removal.** When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in section 20.7.2 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
- (d) **Compliance.** When considering approval of a Planned Unit Development, the governing body shall only approve a proposed development if the proposed development complies with all applicable underlying general zoning and subdivision or land division regulations.

(3) **PROCEDURE FOR ESTABLISHING A PLANNED RESIDENTIAL UNIT DEVELOPMENT DISTRICT.** The procedure for establishing a Planned Residential Unit Development district shall be as follows:

- (a) **Petition.** A petition setting forth all of the facts required in section 20.4.2(2) shall be submitted to the Eau Claire County Clerk with sufficient copies to provide for distribution by the clerk.

(b) Review and Hearing: The petition shall be submitted to the county zoning agency established as required by Wis. Stats. § 59.69(3)(d), which shall hold a public hearing and report to the county board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in Section 20.13.4(2) of this ordinance. The Eau Claire County Committee on Planning and Development report to the Eau Claire County Board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults.

(c) Findings and Conditions of Approval. The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Section 20.4.2(2). If the petition is granted in whole or in part, the county board shall attach such written conditions to the approval as are required by and consistent with Section 20.4.2(2). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone and open space requirements.

(d) Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Section 20.4.2(2) or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.

Note: Counties should be aware that the planned unit development standards, as written, grant back lot access (key holing) without applying frontage requirement standards to determine overall density. This comports to NR115.05(1)(a)4. Counties may optionally include requirements to limit overall density based upon minimum frontage standards as well. These types of developments may also be known as conservation subdivisions or planned residential development. The provisions of NR 115.05(1)(a)4 apply to these types of developments where there may be a combination of a density bonus, smaller lot size and preservation of open space.

20.4.3 SANITARY REGULATIONS. (NR 115.05(3)) The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

(1) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.

(2) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with ch. SPS 383, Wis. Adm. Code, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under Wis. Stats. § 59.70(5).

20.5 MINIMUM LOT SIZE. (NR 115.05(1))

SECTIONS:

- 20.5.1 Purpose
- 20.5.2 Sewered Lots
- 20.5.3 Unsewered Lots
- 20.5.4 Substandard Lots
- 20.5.5 Other Substandard Lots

20.5.1 PURPOSE. (NR115.05(1)(a)) Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

20.5.2 SEWERED LOTS. (NR 115.05(1)(a)1) MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

- (1) The width shall be calculated by averaging measurements at the following 3 locations:
 - (a) The ordinary high water mark.
 - (b) The building setback line.
 - (c) One other location on the lot within 300 feet of the ordinary high water mark.

20.5.3 UNSEWERED LOTS. (NR 115.05(1)(a)2) MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

- (1) The width shall be calculated by averaging measurements at the following 3 locations:
 - (a) The ordinary high water mark.
 - (b) The building setback line.
 - (c) One other location on the lot within 300 feet of the ordinary high water mark.

20.5.4 SUBSTANDARD LOTS. (NR 115.05(1)(a)3) A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- (3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

Note: The intent of this provision is to allow lots that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the register of deeds, which result in a larger (closer to conforming) lot should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

20.5.5 OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of section 20.5.4 a building permit for the improvement of a lot having lesser dimensions than those stated in sections 20.5.2 and 20.5.3 shall be issued only if a variance is granted by the Eau Claire County Board of Land Use Appeals.

20.6 BUILDING SETBACKS. (NR 115.05(1)(b)) Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

SECTIONS:

- 20.6.1 Shoreland Setbacks
- 20.6.2 Reduced Principal Structure Setback
- 20.6.3 Increased Principal Structure Setback
- 20.6.4 Floodplain Structures

20.6.1 SHORELAND SETBACKS. (NR115.05(1)(b)1) Unless exempt under section 20.6.1(1), or reduced under section 20.6.2, a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures.

(1) **EXEMPT STRUCTURES.** (NR 115.05(1)(b)1m) and s. 59.692(1k)(a)(6). All of the following structures are exempt from the shoreland setback standards in section 20.6.1:

(a) Boathouses located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

1. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
2. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
3. One boathouse is permitted on a lot as an accessory structure.
4. The boathouse shall be setback ten feet from the ordinary high water mark.
5. Boathouses shall be constructed in conformity with local floodplain zoning standards.
6. Boathouses shall not exceed one story, with a maximum side wall height of ten feet.
7. The maximum square footage of a boathouse shall be 364 square feet, measured outside wall to outside wall, and a maximum width parallel to the shoreline of 14 feet.
8. Boathouse roofs shall have a pitched roof that is no flatter than 4/12 pitch, and shall not be designed or used as decks, observation platforms or for other similar uses.
9. Earth toned color shall be required for all exterior surfaces of a boathouse.
10. The main door shall face the water.
11. The side yard setback for a boat house is 5 feet.
12. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.

- (b) Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in Wis. Stats. § 59.692(1v):
1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
 2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
 3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 4. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

Note: The statutory requirements under s. 59.692(1v) which require the establishment of a vegetative buffer for the construction of open sided structures is not superseded by s. 59.692(1f)(a).

- (c) A fishing raft for which the Department of Natural Resources has issued a permit under Wis. Stat. § 30.126.
- (d) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in

- diameter and satellite earth station antennas that are 2 meters or less in diameter.
- (e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS 383, Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
- (f) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.
- (g) Devices or systems used to treat runoff from impervious surfaces.

(2) **EXISTING EXEMPT STRUCTURES.** (s.59.692(1k)(a)2m, Stats) Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2m, Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 20.6.1(2). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

20.6.2 REDUCED PRINCIPAL STRUCTURE SETBACK. (s.59.692(1n), Stats) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
 - (b) Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
 - (c) Both of the existing principal structures are located less than 75' from the ordinary high water mark.
 - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

Note: s. 59.692(1d)(a), Stats, requires counties to adopt the standards consistent with section 20.6.2(1) for reducing the shoreland setback.

- (2) Where this is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:
 - (a) The existing principal structure is located on adjacent lot to the proposed principal structure.
 - (b) The existing principal structure is located within 250' of the proposed principal structure and is the closest structure.
 - (c) The existing principal structure is located less than 75' from the ordinary high water mark.
 - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

Note: Section 20.6.2(2) is optional and is not required to be compliant.

20.6.3 FLOODPLAIN STRUCTURES. (NR 115.05(1)(b)2) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with the County's floodplain zoning ordinance.

20.7 VEGETATION. (NR 115.05(1)(c))

SECTIONS:

20.7.1 Purpose

20.7.2 Activities Allowed Within a Vegetative Buffer Zone

20.7.3 Cutting More Than 35 Feet Inland

20.7.1 PURPOSE. (NR 115.05(1)(c)1) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices, as well as the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

20.7.2 ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE. (NR 115.05(1)(c)2)To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

- (1) The county may allow routine maintenance of vegetation.
- (2) The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per Wis. Stats. § 59.692(1f)(b), the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.
- (3) The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25 (2) (b), Wis. Adm. Code, and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
- (4) The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
- (5) The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

Note: Section 59.692(1f)(a), Stats, prohibits counties from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of a counties shoreland mitigation standards, the establishment or expansion of the vegetative buffer may remain an option.

20.7.3 CUTTING MORE THAN 35 FEET INLAND. From the inland edge of the 35 foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

20.8 Filling, Grading, Lagooning, Dredging, Ditching and Excavating. (NR115.05(1)(d))

SECTIONS:

20.8.0 Filling, Grading, Lagooning, Dredging, Ditching and Excavating.

20.8.1 General Standards.

20.8.2 Permit Required.

20.8.3 Permit Conditions.

20.8.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING. (NR115.05(1)(d))

Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04 Wis. Adm. Code, the requirements of Wis. Stats. § 30, and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

20.8.1 GENERAL STANDARDS. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 20.8.2 may be permitted in the shoreland area provided that:

- (1) It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer.
- (2) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
- (3) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of sections 20.3.32 and 20.3.33 of this ordinance.
- (4) All applicable federal, state and local authority is obtained in addition to a land use permit under this ordinance.
- (5) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

20.8.2 PERMIT REQUIRED. Except as provided in section 20.8.3, a land use permit is required:

- (1) For any filling or grading of any area which is within 300 feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:
 - (a) Any filling or grading on slopes of more than 20%.
 - (b) Filling or grading of more than 1,000 sq. ft. on slopes of 12%-20%.
 - (c) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
- (2) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

20.8.3 PERMIT CONDITIONS. In granting a permit under section 20.8.2, the County shall attach the following conditions, where appropriate, in addition to those provisions specified in sections 20.13.2 or 20.13.4.

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- (3) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- (4) Lagoons shall be constructed to avoid fish trap conditions.

(5) Fill shall be stabilized according to accepted engineering standards.

(6) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

(7) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

20.9 IMPERVIOUS SURFACE STANDARDS. (NR 115.05(1)(e))

SECTIONS:

- 20.9.1 Purpose
- 20.9.2 Calculation of Percentage of Impervious Surfaces
- 20.9.3 General Impervious Surface Standard
- 20.9.4 Impervious Surface Standard for Highly Developed Shorelines
- 20.9.5 Maximum Impervious Surface Standard
- 20.9.6 Treated Impervious Surfaces
- 20.9.7 Existing Impervious Surfaces

20.9.1 PURPOSE. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

20.9.2 CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. (NR 115.05(1)(e)1) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in section 20.9.6 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note: NR 115.05(1)(e)1m clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc... on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

For properties that have been "condominiumized" the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

20.9.3 GENERAL IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)2) Except as otherwise allowed in sections 20.9.4 through 20.9.6, the county shall allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

20.9.4 IMPERVIOUS SURFACE STANDARD FOR HIGHLY DEVELOPED SHORELINES. (NR 115.05(1)(e)2m and s. 59.692(1k)(am)2, Stats) The county at its discretion may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial, industrial or business land uses for lands that meets one of the following standards:

- (1) The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.
- (2) After conducting a hearing and receiving approval by the department of natural resources, the county has mapped additional areas of highly developed shorelines that are at least 500 feet in length and meet the one of the following criteria:
 - (a) The majority of the lots are developed with more than 30% of impervious surface area.

- (b) Located on a lake served by a sewerage system as defined in NR 110.03(30), Wis. Adm. Code.
- (c) The majority of the lots contain less than 20,000 square feet in area.

Note: Counties are not required under s. 59.692, Stats, to adopt the impervious surface standards for highly developed shorelines in section 20.9.4 but are required to adopt the general impervious surface standard in section 20.9.3.

20.9.5 MAXIMUM IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)3) A property may exceed the impervious surface standard under 20.9.3 or 20.9.4 provided the following standards are met:

- (1) For properties where the general impervious surface standard applies under section 20.9.3, a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
- (2) For properties on shorelands where the impervious surface standard for highly developed shorelines applies under 20.9.4, a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial or business land uses a property owner may have more than 40% impervious surface but not more than 60% impervious surface.
- (3) For properties that exceed the standard under 20.9.3 or 20.9.4 but do not exceed the maximum standard under 20.9.5(1) or 20.9.5(2), a land use permit can be issued for development with a mitigation plan that meets the standards found in section 20.13.0.

Note: Counties that do not adopt the impervious surface standards for highly developed shorelines are not required to adopt section 9.5(2).

20.9.6 TREATED IMPERVIOUS SURFACES. (NR115.05(1)(e)3m and s. 59.692(1k)(a)5, Stats) Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under section 20.9.2:

- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

Note: The provisions in section 20.9.6 are an exemption from the impervious surface standards and as such should be read and construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with section 20.9.6 will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under section 20.9.6.

To qualify for the statutory exemption, property owners shall submit a complete permit application, that is reviewed and approved by the county. The application shall include

- 1) calculations showing how much runoff is coming from the impervious surface area;*
- 2) documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area; and*
- 3) an implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.*

20.9.7 EXISTING IMPERVIOUS SURFACES. (NR 115.05(1)(e)4) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 20.9.3 or the maximum impervious surface standard in section 20.9.5, the property owner may do any of the following:

- (1) Maintain and repair the existing impervious surfaces;
- (2) Replace existing impervious surfaces with similar surfaces within the existing building envelope; or
- (3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in sections 20.6.1 or 20.6.2.

Note: The impervious surface standards in this ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

20.10 HEIGHT.

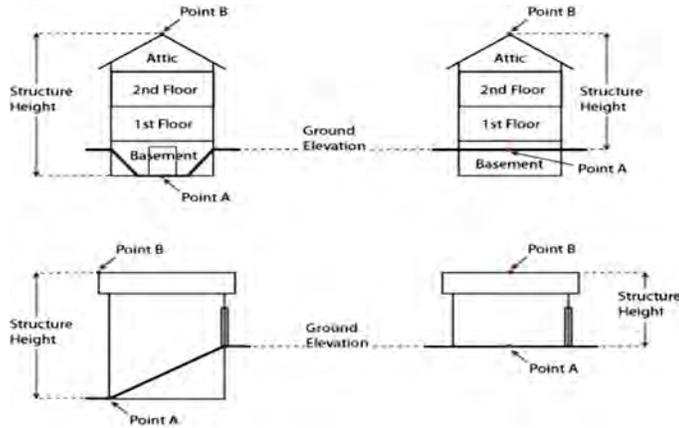
SECTIONS:

20.10.1 Structure Height

20.10.2 Structure Height Measurement

20.10.1 (NR 115.05(1)(f)) HEIGHT. To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that result in a structure taller than 35 feet in the shoreland overlay protection district.

20.10.2 STRUCTURE HEIGHT MEASUREMENT. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



20.11 NONCONFORMING USES AND STRUCTURES. (NR 115.05(1)(g))

SECTIONS:

- 20.11.1 Discontinued Nonconforming Use
- 20.11.2 Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures
- 20.11.3 Lateral Expansion of Nonconforming Principal Structures Within the Setback
- 20.11.4 Expansion of Nonconforming Principal Structures Beyond the setback
- 20.11.5 Relocation of Nonconforming Principal Structures

20.11.1 DISCONTINUED NONCONFORMING USE. (NR 115.05(1)(g)3) If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

20.11.2 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. (s. 59.692(1k)(a)2,4 and (b), Stats) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Sections 59.692(1k)(a) 2,4 and (b), Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 20.11.2. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

Note: NR115.05(1)(b)1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

20.11.3 LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES WITHIN THE SETBACK. (NR 115.05(1)(g)5) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 20.6.1 may be expanded laterally, provided that all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 20.12.0.
- (5) All other provisions of the shoreland ordinance shall be met.

20.11.4 EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURES BEYOND SETBACK. (NR 115.05(1)(g)5m) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 20.6.1 may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per section 20.6.1 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under

this paragraph, but may be required per section 20.9.0.

20.11.5 RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURES. (NR 115.05(1)(g)6) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 20.6.1 may be relocated on the property provided all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 20.6.1.
- (5) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 20.12.0, and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
- (6) All other provisions of the shoreland ordinance shall be met.

20.12 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.)

MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

20.13 MITIGATION (NR 115.05(1)(e)3, (g)5, (g)6)

SECTION:

20.13.1 MITIGATION

20.13.1 MITIGATION. (NR 115.05 (1)(e)3, (g)5, (g)6) When the county issues a permit requiring mitigation under sections 9.5, 11.3 and 11.5 the property owner must submit a complete permit application that is reviewed and approved by the county . The application shall include the following:

(1) A site plan which is designed and implemented to restore natural functions lost through development and human activities. The site plan shall include a scaled plot plan of the lot, including the following information:

1. Location of all existing and proposed structures, including paths, stairways, retaining walls, decks, patios, vegetative cover, etc. with accurate distances shown between the structures and all property lines.
2. Location of any areas of existing and proposed land disturbance.
3. Location of septic and well facilities.
4. Location of the viewing and access corridor.
5. Location of parking areas and driveways.
6. Location of ordinary high-water mark and any wetland areas.
7. Maps showing the existing and proposed topography and slope of the property.
8. Impervious surface calculations.
9. A minimum of four photos of the property. These photos shall include a photo taken from the water, along the shoreline and from the principal structure. If necessary, the Department of Planning and Development may require additional photos and/or a site inspection of the property.
10. Properties which include flood hazard areas shall be required to submit documentation showing the base flood elevation and its location on the property.

(2) Mitigation plans shall include enforceable obligations of the property owner to establish and/or maintain measures that the county determines adequate to offset the impacts of the proposal on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

(3) The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the register if deeds.

(4) For the purposes of administration, and in order to meet the requirements of this chapter:

- a. Mitigation plans submitted to the department shall meet the requirement specified in appendix "A" of this code, which is on file with the Department of Planning and Development.

Note: Each county must select a mitigation system and codify that system in this ordinance that states the exact requirements. There are samples in Appendix C and there is a sample affidavit to the Register of Deeds in Appendix D. The department has developed mitigation recommendations to help guide the county as they develop the shoreland mitigation component of their ordinance. Those mitigation recommendations are available at <http://dnr.wi.gov/topic/ShorelandZoning/documents/MitigationRecommendations.pdf>.

20.14 ADMINISTRATION. (NR 115.05(4))

SECTIONS:

- 20.14.0 Administrative Provisions
- 20.14.1 Land Use Permits
- 20.14.2 Conditional Use Permits
- 20.14.3 Variances
- 20.14.4 Board of Land Use Appeals
- 20.14.5 Fees
- 20.14.6 Changes and Amendments
- 20.14.7 Enforcement and Penalties

20.14.0 ADMINISTRATIVE PROVISIONS. (NR 115.05(4)) The shoreland zoning ordinance adopted by each county shall require all of the following:

- (1) The appointment of an administrator and such additional staff as the workload may require.
- (2) The creation of a zoning agency as authorized by Wis. Stats. § 59.69, a board of adjustment as authorized by Wis. Stats. § 59.694, and a county planning agency as defined in Wis. Stats. §§. 236.02(3), and required by Wis. Stats. § 59.692(3).
- (3) A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county Land Use Manager, unless prohibited by Wis. Stats. § 59.692(1k).
- (4) Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
- (5) A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
- (6) A special exception (conditional use) procedure for uses presenting special problems.
- (7) The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.
- (8) Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under section 20.4.0.
- (9) Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- (10) Development and maintenance of an official map of all mapped zoning district boundaries, amendments, and recordings.
- (11) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in Wis. Stats. § 59.69 (11).

(12) Pursuing the prosecution of violations of the shoreland ordinance

(13) Shoreland wetland map amendments according to s. NR 115.04 Wis. Adm. Code. Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

20.14.1 LAND USE PERMITS.

(1) WHEN REQUIRED. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the Land Use Manager or board of land use appeals/committee before any new development.

(2) APPLICATION. An application for a land use permit shall be made to the Land Use Manager upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following information:

- (a) Name and address of applicant and property owner.
- (b) Legal description of the property and type of proposed use.
- (c) A to scale drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.
- (d) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
- (e) Plans for appropriate mitigation when required.
- (f) Payment of the appropriate fee.
- (g) Additional information required by the Land Use Manager.

(3) EXPIRATION OF LAND USE PERMIT. Land use permits are valid for six months to commence construction and two years to complete the construction.

(4) CERTIFICATES OF COMPLIANCE.

- (a) No land or building shall be occupied or used until a certificate of compliance is issued by the Land Use Manager.
 1. The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
 2. Application for such certificate shall be concurrent with the application for a zoning permit.
 3. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms to all the provisions of this ordinance.
- (b) The Land Use Manager may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the county board.
- (c) Upon written request from the owner, the Land Use Manager shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

20.14.2 CONDITIONAL USE PERMITS.

(1) APPLICATION FOR A CONDITIONAL USE PERMIT. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Land Use Manager and a conditional use permit has been granted by the Committee. To secure information upon which to base its determination, the Committee may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- (a) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.
- (b) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- (c) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
- (d) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (e) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
- (f) Rationale for why the proposed special exception meets all of the special exception criteria listed in the ordinance

(2) NOTICE, PUBLIC HEARING AND DECISION. Before deciding whether to grant or deny an application for a special exception permit, the board of adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Committee, shall be given as a Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Committee shall state in writing the grounds for granting or denying a special exception permit.

(3) STANDARDS APPLICABLE TO ALL CONDITIONAL USE PERMITS. In deciding a conditional use permit, the Committee shall evaluate the effect of the proposed use upon:

- (a) The maintenance of safe and healthful conditions.
- (b) The prevention and control of water pollution including sedimentation.
- (c) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- (d) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (e) The location of the site with respect to existing or future access roads.
- (f) The need of the proposed use for a shoreland location.
- (g) Its compatibility with uses on adjacent land.
- (h) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- (i) Location factors under which:
 1. Domestic uses shall be generally preferred;
 2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
 3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc...maybe refer to the applicable part of their ordinance.

(4) CONDITIONS ATTACHED TO CONDITIONAL USE PERMITS. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. Upon consideration of the factors listed above, the Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance.

In granting a conditional use permit, the Committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.

(5) RECORDING. When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.

(6) REVOCATION OF CONDITIONAL USE PERMIT. If, in the opinion of the department or a member of the committee, the terms of a conditional use permit have been violated, or that the use is substantially detrimental to persons or property in the shoreland overlay protection district, the committee shall hold a public hearing on the revocation of the permit. If, upon written findings of fact that the terms of the permit have been violated, the committee may revoke, modify or leave the permit unchanged. The permit holder and/or the property owner shall be responsible for the fees associated with the revocation hearing.

20.14.3 VARIANCES.

(1) VARIANCE CRITERIA TO BE MET. The board of land use appeals may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:

- (a) literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
- (b) the hardship is due to special conditions unique to the property;
- (c) the request is not contrary to the public interest; and
- (d) the request represents the minimum relief necessary to relieve unnecessary burdens.

(2) NOTICE, PUBLIC HEARING AND DECISION. (s. 59.694(6), Stats) Before deciding on an application for a variance, the board of adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under ch. 985, Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate office of the Department within 10 days of the decision.

20.14.4 BOARD OF LAND USE APPEALS. (s. 59.694 Stats) The county executive, county administrator or chair of the county board shall appoint a board of adjustment consisting of 3 or 5 members under Wis. Stats. § 59.694, Stats. The county board shall adopt such rules for the conduct of the business of the board of adjustment as required by Wis. Stats. § 59.694(3).

(1) POWERS AND DUTIES. (s. 59.694 Stats)

- (a) The board of land use appeals shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Wis. Stats. § 59.694.
- (b) It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance.
- (c) It shall hear and decide applications for conditional use permits pursuant to section 20.13.3.
- (d) It may grant a variance from the dimensional standards of this ordinance pursuant to section 20.13.4.
- (e) In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to effect the purpose of this ordinance.

(2) APPEALS TO THE BOARD. (s. 59.694 Stats) Appeals to the board of adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Land Use Manager or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the board of adjustment, a notice of appeal specifying the reasons for the appeal. The Land Use Manager or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

(3) HEARING APPEALS AND APPLICATIONS FOR VARIANCES AND CONDITIONAL USE PERMITS. (s. 59.694(6), Stats)

- (a) The board of adjustment shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under

Wis. Stats. § 985, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be provided to the appropriate office of the Department at least 10 days prior to hearings on proposed shoreland variances, conditional uses, and appeals for map or text interpretations.

- (b) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, conditional uses, and appeals for map or text interpretations shall be provided to the appropriate office of the Department within 10 days after they are granted or denied.
- (c) The final disposition of an appeal or application to the board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. The final disposition of an appeal or application to the board of adjustment shall be in the form of a written decision document signed by the chairman and secretary of the board. The decision document shall either; affirm, deny, vary or modify the appeal and list the specific reasons for the determination.
- (d) At the public hearing, any party may appear in person or by agent or by attorney.

20.14.5 FEES. (Wis. Stats. §§ 59.69, 59.694, 59.696, 59.697) The county board may, by resolution, adopt fees for the following:

- (1) Zoning permits.
- (2) Certificates of compliance.
- (3) Planned Unit Development reviews.
- (4) Public hearings.
- (5) Legal notice publications.
- (6) Conditional use permits.
- (7) Variances.
- (8) Administrative appeals.
- (9) Other duties as determined by the county board.

20.14.6 CHANGES AND AMENDMENTS. The county board may from time to time, alter, supplement or change the regulations contained in this ordinance in accordance with the requirements of Wis. Stats. § 59.69(5)(e), NR 115, Wis. Adm. Code, and this ordinance where applicable.

(1) AMENDMENTS. Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stats. § 59.69(5).

(2) SHORELAND WETLAND MAP AMENDMENTS. (NR 115.04) Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be provided to the appropriate office of the Department within 10 days after the decision is issued.

20.14.7 ENFORCEMENT AND PENALTIES. (NR 115.05(4)(j)) Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Land Use Manager or the county zoning agency shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute violations. Any

person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of fifty (\$50.00) dollars per offense, together with the applicable costs, penalties, and assessments. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. § 59.69(11).

(1) PENALTY. Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to a forfeiture of fifty (\$50.00) dollars per offense, together with the applicable costs, penalties, and assessments. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly. The Land Use Manager shall refer violations to the Corporation Counsel who shall prosecute violations.

(2) INJUNCTION. Any use or action which violates the provisions of this Ordinance shall be subject to a court injunction prohibiting such violation.

(3) RESPONSIBILITY FOR COMPLIANCE. It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this Ordinance will be notified in writing of such violation by the County Land Use Manager or his designated Zoning Deputy. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. § 59.69(11).

(4) SUSPENSION OF PERMIT. Whenever the Land Use Manager, or his designated Zoning Deputy determines there are reasonable grounds for believing there is a violation of any provision of this Ordinance, the Land Use Manager or his designated Zoning Deputy shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30 day period, an extension may be granted if reason of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin. The owner of record has the right to appeal any decision by the Land Use Manager or his designated Zoning Deputy to the Board of Land Use Appeals for a variance from the strict rule of the Ordinance within 30 days of receipt of a notice or order.

(5) EMERGENCY CONDITIONS. Whenever the Land Use Manager finds that an emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the Land Use Manager may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The Land Use Manager shall notify the Chairperson of the Committee within 24 hours of such situations. Notwithstanding any other provisions of this Ordinance such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Board of Land Use Appeals.

20.15.0 DEFINITIONS.

20.15.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

20.15.2 The following terms used in this ordinance mean:

- (1) "Access and viewing corridor" (NR 115.03(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
- (2) "Boathouse" (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.
- (3) "Building envelope" (NR 115.03(1p)) means the three dimensional space within which a structure is built.
- (4) "Committee" means the Eau Claire County Committee on Planning and Development.
- (5) "County zoning agency" (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.
- (6) "Department" (NR 115.03(3)) means the Department of Natural Resources.
- (7) "Drainage system" means one or more artificial ditches, tile drains or similar devices which collects surface runoff or groundwater and convey it to a point of discharge.
- (8) "Existing development pattern" (NR 115.03(3m)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
- (9) "Floodplain" (NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.
- (10) "Footprint" means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5..
- (11) "Generally accepted forestry management practices" (NR 1.25(2)(b), Wis. Adm. Code) means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
- (12) "Impervious surface" (NR 115.03(4g)) means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.
- (13) "Land Use Manager" means the employee of the county officially designated to administer this chapter or an agent designated by the Director of the Eau Claire County Department of Planning and Development.

(14) "Lot" means a parcel of land, legally created, which is occupied or designed to provide space for one principal structure and approved uses, including the open spaces required by this subtitle. A lot includes all contiguous property under one owner and may consist of multiple deeds, abstracts, and tax statements.

(15) "Lot of record" means a lot which has been legally created prior to the effective date of Title 18.

(16) "Mitigation" (NR 115.03(4r)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

(17) "Navigable waters" (NR 115.03(5)) means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stats. § 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. § 59.692, Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

- (a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

(18) "Ordinary high-water mark" (NR 115.03(6)) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(19) "Previously developed" means a lot or parcel that was developed with a structure legally placed upon it.

(20) "Regional flood" (NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

(21) "Routine maintenance of vegetation" (NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

(22) "Shoreland" (NR 115.03(8)) means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(23) "Shoreland setback" also known as the "Shoreland setback area" in s. 59.692(1)(bn), Stats, means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Stats.

(24) "Shoreland-wetland district" (NR 115.03(9)) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

(25) "Special exception (conditional use)" (NR 115.03(10)) means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

(26) "Structure" (s.59.692(1)(e), Stats) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

(27) "Unnecessary hardship" (NR 115.03(11)) means that circumstance where special conditions, which

were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

(28) "Variance" means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

(29) "Wetlands" (NR 115.03(13)) means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

APPENDIX A

SHORELAND ACTIVITIES WHICH REQUIRE A MITIGATION PLAN

MITIGATION ITEMS AND POINT VALUES

Section 20.9.5 (3)

Impervious surfaces increase greater than 15% but less than 30% of the lot area within 300' of the ordinary high water mark

Required mitigation points: 4

Section 20.11.3 (4)

Lateral expansion of principal structure if principal structure is greater than 35' to OHWM but less than required water setbacks

Required mitigation points: 6

(Mitigation Items #1 and #2 are mandatory)

Section 20.11.5 (5)

Re-location of principal structure within the existing building envelope, if principal structure is greater than 35' to OHWM but less than required water setbacks (providing no other compliant location exists)

Required mitigation points: 6

(Mitigation Item #1 is mandatory)

1. Code compliant POWTS*
2 mitigation points
2. Removal of all non-conforming structures that do not meet required water setbacks*
2 mitigation points
3. Code compliant shoreline vegetation protection area*
2 mitigation points
4. Code compliant shoreline protection area twice as deep as required*
1 mitigation point
5. Re-location of principal structure to the most code compliant location relative to the water setback (applies to Section 20.11.5 (5))*
4 mitigation points
6. Voluntary reduction in impervious surface limit*
1 mitigation point
7. Voluntary Reduction in Height of Principal Structure*
1 mitigation point
8. Voluntary Reduction in Viewing Corridor Width *
1 mitigation point
9. No net increase in stormwater runoff*
2 mitigation points
10. "0" stormwater runoff*
2 mitigation points

*See page 2 of appendix for detailed explanation of mitigation items.

Mitigation Points are cumulative. For example: A site with a code compliant shoreline protection area twice as deep as required would get 1 point for the extra buffer area, as well as 2 points for the standard code compliant vegetation protection area, for a total of 3 points.

APPENDIX A

DETAILED EXPLANATIONS OF MITIGATION ITEMS

- 1. Code compliant POWTS** – A written and approved verification that all Private Onsite Wastewater Treatment System (POWTS) on the lot or parcel comply with all requirements of SPS 383, Wisconsin Administrative Code, and Chapter 8.12, Eau Claire County Sanitary Code, other than sizing requirements, or proper connection is verified to municipal sewer. Acceptable written verification includes either a sanitary permit on file in the zoning office with a signed inspection by Eau Claire City/County Health Department staff, or written verification from a Wisconsin Master Plumber, Master Plumber-Restricted Sewer, Journeyman Plumber, Journeyman Plumber-Restricted Sewer, POWTS Inspector, or Certified Soil Tester, or installation of a new system meeting these requirements, or an approved sanitary permit may be substituted with installation of the POWTS to take place within the life of the land use permit.
- 2. Removal of other non-conforming structures that do not meet required water setbacks** – Removal of all other structures on the lot or parcel that do not comply with the required water setbacks, unless there is a specific exemption in the code for such a structure.
- 3. Code compliant shoreline vegetation protection area** – A written and approved shoreline restoration plan which restores all of the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and the provisions of this code, or verification that existing vegetation meets these standards. The Eau Claire County Land Conservation Division shall review the restoration plan or verify that existing vegetation is adequate to meet these requirements.
- 4. Code compliant shoreline protection area twice as deep as required by code** – A written and approved shoreline restoration plan which restores all of the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and this code, or verification that existing vegetation meets these standards, to at least twice the depth normally required in Chapter 58. The Eau Claire County Land Conservation Division shall review the plan or verify that existing vegetation is adequate to meet these requirements.
- 5. Re-location of principal structure to the most code compliant location (applies to Sections 20.11.5 (5) only)** – In the case of the re-location of the principal structure or the relocation of the principal structure involving a vertical expansion, providing the principal structure is greater than 35' to OHWM but less than the required water setbacks, and where no compliant location exists, the structure being relocated is positioned in the most code compliant location relative to the water setback.
- 6. Voluntary reduction in impervious surface limit** – A plan to reduce the impervious surfaces to 7.5% or less, or verification that existing impervious surfaces meet this limit, on that portion of the lot or parcel that is within 300 feet of the ordinary high water mark.
- 7. Voluntary reduction in height of principal structure** – A plan to alter the height of the principal structure to a maximum of 20 feet or less, or verification by Departmental staff that the existing or proposed structure will meet this limit.
- 8. Voluntary reduction in viewing corridor width**—A plan to reduce the viewing corridor to 15% or less of the lot width with a maximum width of 15 feet with no structures in the viewing corridor other than permitted accesses, or verification that the existing parcel meets these conditions. The Eau Claire County Land Conservation Division shall review the restoration plan or verify that existing vegetation and structures are adequate to meet these requirements.
- 9. No net increase in stormwater runoff** – A post construction stormwater retention plan which will result in no net increase in runoff from the site within 300 feet of the ordinary high water mark. The Eau Claire County Land Conservation Division shall review the plan to determine adequacy. This plan shall be designed to handle the stormwater from a one year storm as designated by NRCS for Eau Claire County, and in compliance with the “Controlling Runoff and Erosion from your Waterfront Property-A Guide for Landowners” copyright 2008 by Burnett County Land and Water Conservation Department, available on both the Eau Claire County and Wisconsin DNR websites
- 10. “0” stormwater runoff**—A post construction stormwater retention plan which will result in no runoff from any impervious surface on the site within 300 feet of the ordinary high water mark. The Eau Claire County Land Conservation Division shall review the plan to determine adequacy. This plan shall be designed to handle the stormwater from a one year storm as designated by NRCS for Eau Claire County, and in compliance with the “Controlling Runoff and Erosion from your Waterfront Property-A Guide for Landowners” copyright 2008 by Burnett County Land and Water Conservation Department, available on both the Eau Claire County and Wisconsin DNR websites.

APPENDIX B

AFFIDAVIT FOR A
MITIGATION PLAN

Document Number _____

_____, being
first duly sworn, on oath, deposes and states as follows:

1. That I/We (“owners”) are the owners of the property (“the property”) with a full legal description as contained on the most recent deed of record attached hereto as Exhibit A.
2. Owners propose to construct, reconstruct, make additions or remodel the principal structure located on the Property described in Exhibit A.
3. The mitigation plan is required per NR 115.05 (1) (g) 5. Wis. Adm. Code.
4. A mitigation plan has been submitted to the Planning and Development Department for the property which specifies the mitigation strategies to be used and has been approved.
5. The mitigation measures shall be maintained permanently, unless the property owner receives approval of a new, approved mitigation plan meeting the same point requirements.
6. Notwithstanding any other provision of the County Shoreland, Wetland and Floodplain ordinance, the current owner and all subsequent property owners are responsible for compliance with the terms of this ordinance including maintaining the mitigation techniques.
7. Within one year of issuance of the zoning permit, the property owner shall complete the mitigation practices and shall certify in writing to the administrator that the required mitigation has been completed. Owner shall submit photos documenting the mitigation measures and the Planning and Development Department staff may conduct an on-site compliance inspection.
8. The mitigation plan shall be recorded in the Register of Deeds office.

REGISTER OF DEEDS OFFICE USE

Return to:
Eau Claire County
Planning and Development Dept.
721 Oxford Avenue
Eau Claire, WI 54701

Parcel Identification Number (PIN) or Tax Key No.

Owners (Signature)

Owners (Signature)

Owners (Print)

Owners (Print)

STATE OF WISCONSIN)
) ss.

COUNTY OF _____)

Subscribed and sworn to before me this _____

day of _____ 20____.

Notary Public (Signature)

Notary Public (Print)

My Commission expires _____

This Affidavit has been reviewed by the Eau Claire County Planning and Development Dept. and all necessary actions have been completed

Land Use Manager (Signature)

Land Use Manager (Print)

Date

This instrument was drafted by _____ 07/16
Name (Print) Date

**Planning and Development
July 2016**

The following bills were sent to the Finance Department for payment:

Planning

Vendor	Amount	Description	Line Item#
Office Depot	70.06	Office Supplies	51820-310-000
Fred Dahlke	659.94	Mileage - Regular	51820-330-000
Eau Claire Press	115.34	Public Hearing Notices	51820-321-000
Jared Grande	172.89	Mileage - Regular	51820-330-000
Lance Gurney	66.30	Mileage - Regular	51820-330-000
WRPLA	134.00	Conference	51820-340-000
Star Marking	22.45	Office Supplies	51820-310-000
Register of Deeds	15.00	1/2 recording fees (Stelter)	51820-390-000
Rod Eslinger	55.08	Mileage - Regular	51820-330-000

Resurvey

Vendor	Amount	Description	Line Item#
Berntsen (Pro-Card)	151.60	Steel Nail Markers	51740-360-200
Panda Consulting	18,000.00	Parcel Fabric Migration	51740-200-201

Emergency Management

Vendor	Amount	Description	Line Item#
Menards (Pro-Card)	104.96	RV Cord	52410-390-000
John Oxley	24.20	Padlock for Mobile Command	52410-390-000
Jeanna Allen	16.68	Mileage - July	52410-330-000

Recycling

Vendor	Amount	Description	Line Item#
Boxx Sanitation	22,393.30	Recycling Services - Curbside	54885-201-000
Waste Management	14,716.66	Recycling Services - Curbside	54885-201-000
Village of Fairchild	122.40	Recycling Attendant - Dropbox	54885-208-000
Earthbound Environmental	404.68	Recycling Services - Curbside	54885-201-000
Provyro Waste Services	8,217.42	Recycling Services - Curbside	54885-201-000
Amanda Haffele	21.87	Recycling Supplies	54885-310-000
Advanced Disposal	41,059.92	Recycling Services - Curbside	54885-201-000
Advanced Disposal	3,557.10	Recycling Services - Dropbox	54885-208-000

Land Conservation

Vendor	Amount	Description	Line Item#
SmartLite	295.00	R2R Mail Advertising	57588-912-000
James Leffel	303.00	Chipped Bentonite-cost share	57410-483-229
Excel Energy	13,286.00	Financial Assurance	23172-000-000
Blugold Real Estate	9,568.75	Financial Assurance	23172-000-000

Division	Totals
Planning	1,311.06
Resurvey	18,151.60
Emergency Management	145.84
Recycling	90,493.35
Land Conservation	23,452.75
Total	110,101.85

Eau Claire County
PLANNING & DEVELOPMENT COMMITTEE MINUTES

Tuesday, July 12, 2016 • 7:00 PM
Eau Claire County Courthouse • 721 Oxford Avenue • Room 1277
Eau Claire, Wisconsin

Members Present: Gary Gibson, Jim Dunning, Mark Olson, Stella Pagonis

Members Absent: Gordon Steinhauer

Staff Present: Lance Gurney, Rod Eslinger

1. Call to Order

Gary Gibson called the meeting to order at 7:00 p.m.

2. Public Input Session (**30 minute maximum**)

None.

3. **From May 24, 2016: Proposed Resolution** "Ordering Attachment to the Lake Altoona District" /
Discussion – Action

- Michael K. and Christine L. Allen, Lots 3 & 4, Block 2, Lake View Addition – Tax Parcel 024-2006-05-000. Site Address: 7734 Elayne Drive, Eau Claire
- Melanie A. Hagen, Lot 8, Block 2, Lake View Addition – 024-2006-10-000. Site Address: 7816 Elayne Drive, Eau Claire

Lance Gurney presented background and staff report regarding an Attachment Petition brought forward by the Lake Altoona District. Mr. Gurney reviewed the findings that are required under Wis. Stat. 33.26(3) for attachment of property to a Lake District. Mr. Gurney then presented findings in support of the Attachment Petition brought forth by the Lake Altoona District, noting that the requirement of "benefit" is general and predictive in nature and not an individualized assessment as is required for detachment of properties from a Lake District Boundary.

ACTION: Motion by Stella Pagonis to approve file 16-17/029 with findings in support of petition for attachment. Gibson made note that the matter must go before the County Board for official consideration and that the property owners do have the right to pursue circuit court review within 30 days of County Board action. Motion carried, 4-0.

4. A variance request for depth to width ratio exceeding 4:1 in Section 06, T27N-R06W, Town of Ludington (Jaenke) / Discussion – Action

Rod Eslinger presented background information and staff report for a petition for a variance to exceed the depth to width ration of 4 to 1. Staff is recommending approval of the request for a variance subject to findings in support of the request. The unusual configuration request a narrow connection to Lot 1 of the proposed certified survey in order to minimize the conversion/loss of farmland .

ACTION: Motion by Jim Dunning to approve the variance request for an unusual lot configuration for width to length ratio as a means to preserve or limit conversion of farmland. Motion carried, 4-0.

5. A variance request to create a flag lot, Section 01, T26N-R07W, Town of Lincoln (Hawkinson) / Discussion – Action

Rod Eslinger presented background information and staff report for a petition for a variance to create a “flag lot” in light of the fact that a variance was already been obtained to create a lot that does not meet the frontage requirements of 330 feet in the F2 zoning district, thereby being consistent with the land division code variance. The existing driveway which provides access to the applicant’s home will be shared with the new parcel, thereby necessitating the need for an easement to be recorded in conjunction with approval of the certified survey map.

ACTION: Motion by Mark Olson to approve the variance request for an unusual configuration for a flag lot in light of previous variance approval. Motion carried, 4-0.

6. 2017 Planning & Development Budget Items / Discussion – Possible Action

Lance Gurney presented the 2017 Capital Outlay requests submitted on behalf of the Planning and Development Department, in priority ranking. No action was taken on budget matters at this time.

7. Review of June Bills.

8. Review/Approval of June 28, 2016 Meeting Minutes / Discussion – Action

ACTION: Motion by Stella Pagonis to approve the minutes as submitted. Motion carried, 4-0.

9. Proposed Future Agenda Items / Discussion
2017 Budget Items

10. Gary Gibson adjourned the meeting at 8:13 pm.

Respectfully submitted,

Lance Gurney
Clerk, Committee on Planning & Development